

CICERO



*On the
Ideal Orator*



USED

Translated, with Introduction, Notes, Appendixes,
Glossary, and Indexes by

James M. May & Jakob Wisse

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WITH AN INTRODUCTION
BY JAMES M. MAY

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To George Alexander Kennedy
Amico Magistroque Optimo

Preface

The need for a new English translation of *De oratore* is not in doubt. It is among the most wide-ranging and interesting of Cicero's works, to which very little justice is done by those who would describe it merely as a "rhetorical treatise." It is, indeed, studied not only by classicists but also by people from the speech communication field, by ancient historians, by philosophers, and by many others interested in the ancient world. Nevertheless, those looking for a complete translation to guide their reading of the work can turn only to the two inadequate renderings currently in print, viz., Watson's version of 1848 and the Loeb translation by Sutton and Rackham. Our own approach is, we hope, somewhat more equal to the task (see pp. 40–42), but there is another, more important reason why these older translations need replacing. The past forty years or so have seen a vast amount of fruitful scholarly work in all relevant fields, and particularly our understanding of ancient rhetoric has greatly increased. For *De oratore* a new, comprehensive approach was signalled by the appearance of the first volume of the commentary by A. D. Leeman and H. Pinkster of Amsterdam in 1981 (the fourth and penultimate volume was published in 1996). Thus, our translation can build on a sound foundation (on which we indeed build also where we disagree or endeavor to make our own contribution); conversely, we hope that it will help to make the specialized scholarship more widely available—if only because this specialized work has made it clear that *De oratore* is an even more lively and interesting statement of Cicero's views than had previously been realized.

Though we, the two authors, share responsibility for all aspects of the book, it seems in order to identify more specifically the individual contributions. No such identification is possible, however, for the central part, the translation itself. This is the result of endless consultation (sometimes exhilarating, sometimes exasperating), both through e-mail and during long sessions at Amsterdam and St. Olaf; every sentence was changed until both of us were satisfied that we, at least, could not do better. Much of the supplementary material (the introduction, many of the footnotes to the translation, the glossary, much of the prosopographical material in the index, and appendixes B and C) has been supplied by JW; all of it was, however, thoroughly vetted by JMM.

Our project of translating *De oratore* has taken much longer to complete than we had ever imagined. It was first envisioned in 1990, when two separate plans were happily amalgamated through the mediation of George

Kennedy. Since JMM had been his student in Chapel Hill, and JW was a visiting scholar there in 1990, our debt to him was already considerable; he further increased this debt in 1998, by reading through the whole of our translation and suggesting numerous improvements. It is with warm thanks that we dedicate this book to him.

Recording the other debts incurred in the long course of our project is no less agreeable. Anton Leeman and Harm Pinkster must be thanked for their long-standing support of JW, their generous welcome of JMM during his visits to Amsterdam, and their general encouragement of the project. Sytse Renting greatly helped us by answering innumerable questions about manuscript evidence. We look forward to seeing his important work in this field published, and, in the more distant future, to the new edition that is so badly needed. Elaine Fantham read our manuscript with much care and removed many infelicities. Beth Bennett and Robert Gaines shared their views about the introduction and parts of the translation with us, to our great benefit. Nancy Laan provided comments that improved the introduction, as well as valuable advice about many other sections.

JMM owes a debt of gratitude first to St. Olaf College, for providing a sabbatical leave to pursue this project as well as other financial support for travel to Amsterdam on several occasions; to the National Endowment for the Humanities (NEH) for awarding him a Fellowship for College Teachers, which enabled the translation portion of the project to be launched; to his colleagues in the Classics Department at St. Olaf College, and in particular to Anne H. Groton, for their suggestions, help, and encouragement; and finally and most importantly, to Donna May, Joseph May, and Michael May, for their incredible patience, generosity, understanding, and love, demonstrated in countless ways during the near-decade that has been spent on this volume.

JW would further like to thank Elaine Fantham for her warm support and friendship shown especially during his visit to Princeton in the fall of 1997; the Classics Department of Princeton University for the invitation to be a visiting scholar; Piet Schrijvers for helping to secure his unpaid leave from a temporary research position, which made completion of this translation possible; the Fondation Hardt in Vandœuvres for providing hospitality and a stimulating atmosphere during a two-week sojourn at the beginning of 1998, when a great part of the introduction was written; the Netherlands Organization for Scientific Research (NWO) for financing this sojourn; the "Hobby-Club" of the Amsterdam Latinists for offering, in their usual frank and friendly manner, criticisms of a paper discussing some problems of interpretation; and, most importantly, Nancy Laan for again providing all conceivable forms of support, intellectual as well as emotional.

JMM
St. Olaf College

JW
University of Newcastle upon Tyne

Contents

INTRODUCTION 3

1. The Roman Background: Politics and Culture 4
 - 1.1 *Orators in Politics* 4
 - 1.2 *Greeks and Romans* 6
2. *De oratore* in Cicero's Life 6
3. The Subject: The Ideal Orator 9
4. Form I: Dialogue Technique 13
5. Form II: "Rhetorical" Techniques and The Way to Read *De oratore* 18
6. Background I: The Quarrel between Rhetoricians and Philosophers, and Cicero's Position in It 20
 - 6.1 *Brief History of the Quarrel* 20
 - 6.2 *The Issues in the Quarrel: Cicero's Position* 23
7. Background II: Traditional Rhetoric and Cicero's Alternative 26
 - 7.1 *Preliminary Questions* 27
 - 7.2 *The Basic Systems, and Cicero's Choice* 28
 - 7.3 *The Individual Activities* 32
8. Background III: Cicero's "Sources" 38
9. This Translation 40
10. The Text 42
11. Synopsis of the Work 42

FURTHER READING AND BIBLIOGRAPHY 49

ABBREVIATIONS 56

TRANSLATION: *On the Ideal Orator*

- BOOK 1 57
BOOK 2 125
BOOK 3 224

APPENDIX A: CICERO'S WORKS 299

APPENDIX B: FIGURES OF THOUGHT AND SPEECH 301

APPENDIX C: LIST OF READINGS 307

Glossary 320

Index of Names and Places 332

General Index 363

CICERO
On the Ideal Orator

Cross-references within this book are preceded by "p." (e.g., "see p. 54"). References to secondary literature are generally by name of author(s) and year of publication (often followed by page-numbers; e.g., "Solmsen 1938: 394"). Full references may be found in the Bibliography (pp. 51–55).

For some further abbreviations see p. 56.

An Index of Names and Places can be found on pp. 332–362.

In the Introduction, an asterisk (*) preceding a word or phrase refers to an entry in the Glossary (pp. 320–331).

Introduction

When Cicero's contemporaries read his *De oratore* (literally *On the Orator*), finished at the end of 55 BC, many of them must have been surprised. Oratory was of course not a strange subject; it played a great part in politics in Rome, as it did in the Greek world. It is hardly an exaggeration to say that in Cicero's eyes, it was the lifeblood of the Roman State, and the best possible life was that of the orator-politician. But the normal way of writing about oratory, and the one adopted by the rhetoricians (the teachers of rhetoric), was to offer a theory (or, *art) of rhetoric, with detailed rules for the composition of public speeches. Cicero himself had produced such a work when he was about seventeen, the *De inventione* or *On (Rhetorical) Invention* (as it is now called), which covered the first part of the standard rhetorical system. At the very beginning of *De oratore*, however, he disavows this work as a youthful mistake (1.5), and he now writes a work entitled *On the Orator*, that is to say, *On the Ideal Orator* (cf., e.g., 1.64, 118; 3.83–85). This implies that he now aims to concentrate on the personal skills of the speaker rather than on rules; and as a practical orator, he repeatedly criticizes the impractical, narrow, and rigid precepts of the rhetoricians.'

Some of these criticisms echo those of the philosophers, who had been quarrelling with the rhetoricians for years about who provided the best education for prospective statesmen. But Cicero certainly does not simply side with the philosophers in this quarrel, as he severely criticizes their theoretical approach and their advocacy of the quiet, unpolitical life. He does, however, hold that the ideal orator is a master of all forms of verbal communication, not just oral (speeches) but also written (e.g., historiography and philosophy). And in turn, the fully developed skills of the ideal orator must necessarily be based on knowledge, and this should include universal philosophical knowledge. To many of his readers, this synthesis of oratory and philosophy must have been a startling novelty.

The form of the work is also unusual. It is not a regular handbook or treatise, but, apart from the prologues to the three books, a dialogue. The main speakers are Crassus and Antonius, the two greatest orators of their day and the heroes of Cicero's youth. It is set in 91 BC, during a political crisis that is meant to call to mind the crisis of the Roman Republic that Cicero himself was witnessing when writing the work. There were a number of advantages to this form. For instance, although Cicero's own ideas are most often clear enough in the end, it enabled him to show the many nuances of his views. The dialogue form was indeed not unusual for philosophical sub-

jects, and as such it is aptly chosen; but for rhetorical subjects it was extremely rare, and evoked memories of Plato's great dialogues about rhetoric, the *Gorgias* and the *Phaedrus*.

For the modern reader, who lacks the background and thus the expectations of Cicero's contemporaries, the surprise is bound to be almost absent, and many other essential features are also in danger of remaining unnoticed. Our introduction aims at sketching this background, in order to make it easier to identify and appreciate Cicero's special position. We discuss the subjects in order of increasing technicality, and readers may decide at any point to turn to the actual text; also, the section titles may guide those who wish to read selectively.

1. THE ROMAN BACKGROUND: POLITICS AND CULTURE

1.1 ORATORS IN POLITICS

Although the field of Cicero's ideal orator is universal, the conviction that his primary task is in the political arena is hardly ever forgotten. It is sometimes held that Cicero provides a philosophical basis for the importance of eloquence in politics (Conley 1990: 37), but that is incorrect. This importance was a given, as is illustrated by Cicero's own career as a politician and statesman, which was for the most part built on his enormous powers as an orator. Accordingly, in *De oratore* the fundamental role of oratory in politics is nowhere argued for; it is, on the contrary, often used as a premise for other arguments (e.g., 3.63–66). The power of oratory in the Roman State rested chiefly on two pillars.

In the first place, political oratory played a great part in decision-making, which took place in the Senate and in assemblies. The *Senate was Rome's council of State, composed, in essence, of all those who held or had held a *magistracy. Membership was thus, in principle, for life, which made the Senate a powerful source of continuity (and conservatism) in Roman politics. Though it had only advisory powers in some areas, it had great prestige, and magistrates usually put before it all matters of any importance. Before a vote was taken, there was debate, all senators being called upon to give their opinion. Roman respect for authority greatly determined the influence of the individual members, but good speakers naturally had an enormous advantage (cf. *De or.* 2.333). The system of Roman *assemblies and of the voting in them was complicated.¹ The so-called centuriate assembly, which elected the senior magistrates (praetors, consuls, censors), was dominated by the rich, but most legislation as well as the elections for the *tribunes of the plebs was carried on in the assembly of the plebs, where the common people had more power. So-called *public meetings (*contiones*), held separately or just before the actual voting, provided politicians with oppor-

¹See Taylor 1966; Staveley 1972; a brief account in *CAH IX*²: 43–45.

tunities to address the people on such legislation and other matters, and thus to influence their decisions. To use these opportunities and, in fact, to exert such influence was not easy, for these meetings could be unruly or even violent. Yet the skill to do so was a great asset, since it was here, even more than in the Senate, that oratory often had great impact (cf. 2.334, 337–340).

The role of violence in political struggles reached its peak in the 50s BC, when Cicero was writing; but as many passages in *De oratore* illustrate, it played a large part already during the lifetime of the interlocutors (e.g., 2.197–199). Indeed, Roman politics was fairly chaotic in other respects also.² There were no parties or stable factions, and politics was often no more than a personal power game. The great divide was that between the conservatives, the “good men” in their own (including Cicero’s) view, and the so-called *populares*. The former set great store by what they regarded as the traditional power of the Senate; the latter were ready to derive power from their influence with the common people in the public meetings. Whether the *populares* were usually driven by real concern for the poor or simply used their popular influence to gain power is a much-debated question, but one largely irrelevant to *De oratore*. What is important to realize is that Roman politics, in which the orator was supposed to function, was such an untidy affair.

The second reason for the political importance of oratory was that criminal as well as civil trials were dominated by it, much more so than in modern times. Part of the explanation for this is, no doubt, that neither the pleaders nor the judges and jury members were necessarily legal experts. Cicero does make Crassus, his mouthpiece in the first book of *De oratore*, plead for a thorough knowledge of the civil law (1.166–200), and Cicero himself knew the law well; but among orators, he was atypical in this as in other respects.³

The political importance of these trials was, in turn, twofold. On the one hand, pleading someone’s case was to do him a great service, and in the Roman social system, this meant that one could expect services in return (also because pleading was supposed to be unpaid). Being a pleader therefore created many opportunities for building a network of supporters and friends, an essential asset in the political power game. On the other hand, criminal trials of the late Republic often concerned offenses directly related to politics, e.g., electoral malpractice (*ambitus*), public violence (*vis*), extortion in the provinces (*repetundae*), and “impairing the *majesty of the Roman People” (*maiestas*). In addition, for some of these offenses the penalty was loss of civic status (in practice, exile), which made such trials a potent weapon for getting rid of political opponents. The pleading of cases was, therefore, a frequent and important activity of most Roman politicians, both in and out of office, and throughout their career.

²On the issues of this paragraph, see the survey by Andrew Lintott in *CAH IX*²: 1–15.

³Modern descriptions of Cicero and other orators as “lawyers” are therefore seriously misleading.

Eloquence, of course, was not the only way of acquiring influence. Being a legal expert could lend much authority and prestige, and forge ties of obligation as well. Moreover, Rome was almost constantly at war, and successful military commanders could enjoy great power and popularity; Caesar and Pompey are well-known examples. In these circumstances, civil wars became almost inevitable, and Cicero himself witnessed several (see § 2). But even Caesar originally built part of his power by using his far from negligible capacities as a speaker. Hardly any politician could afford, or would want, to neglect the central role of oratory.

1.2 GREEKS AND ROMANS

In many passages in *De oratore*, a contrast is made between Greek and Roman attitudes. This reflects the fact that while many elements of Greek culture, which was introduced on a large scale in the second century BC, had become fairly normal in Roman society by Cicero's youth, their acceptance was by no means universal. Many Romans still viewed the Greeks with suspicion, regarding them as theoretical, impractical, and arrogant. Cicero's openness to Greek culture earned him the jibe that he was a "little Greek" (*Graeculus*).

It is precisely the pervasiveness of elements of Greek culture in Roman life that makes matters in *De oratore* so complicated. It is obvious that many regarded philosophy as typically Greek, and that Cicero had to try to avoid the stigma that came with this image. But technical rhetoric, though more acceptable to many Romans, was also Greek, and Cicero often phrases his rejection of impractical rhetoricians as a rejection of a typically Greek attitude. Cicero himself aimed at combining the best of what the Greeks and the Romans had to offer, but he also wanted to persuade his more sceptical fellow Romans of the validity of his views. For this reason, a tension can be detected throughout *De oratore* between acceptance and rejection of things Greek.

2. *DE ORATORE* IN CICERO'S LIFE

From Cicero's early years onward, we can see most of the factors that shaped *De oratore* at work: his focus on oratory and the rhetorical theory meant to support it, his openness to Greek culture, and his fascination with philosophy.

Marcus Tullius Cicero⁴ was born in 106 BC in Arpinum, a town some 70 miles southeast of Rome, where his family belonged to the local elite. As such, the family was not part of the established elite at Rome itself (which

⁴There are many good, recent biographies of Cicero: Shackleton Bailey 1971, chiefly drawing on Cicero's letters; Stockton 1971, Mitchell 1979, 1991, and Habicht 1990, all three with emphasis on the political aspect; Rawson 1975; Fuhrmann 1992. Older biographies are as a rule (necessarily) outdated, but Boissier 1865/1897 still deserves mention for its sympathetic approach.

normally did not welcome outsiders), but it did have powerful connections in the city. It may have been sometime around 95 BC that Cicero's father moved to Rome, where he already had a house, or bought one for the purpose of this move. He aimed at advancing Marcus and his younger brother Quintus in life, and the brothers were brought in contact with the two leading orators of the time, Marcus Antonius and Lucius Licinius Crassus, who were later to be the main speakers in the dialogue of *De oratore*. The work is thus, among many other things, Cicero's tribute to them, and especially to Crassus.

We can assume that his father regularly took young Cicero to the Roman Forum. Most of Rome's political life took place there, either in the Senate House, or in gatherings and trials, which were conducted in the open air. Here, Cicero could watch Crassus, Antonius, and others deal with *clients and listen to them making speeches before the courts and in the public meetings mentioned above (pp. 4–5) (nonmembers were not admitted to sessions of the Senate). When Cicero "came of age"⁵ shortly after Crassus' death in 91 BC, he was officially introduced to the legal expert Quintus Mucius Scaevola, whom he then often followed in the forum, in order to learn about law; Scaevola too was to be portrayed in *De oratore*. In these ways, Cicero learned by practice, in line with the traditional Roman emphasis on practical experience, on respect for one's elders, and on the following of great examples.⁶

As Cicero tells us in the prologue to the second book (2.2), Crassus also admitted him and Quintus, as well as two of their cousins, to his house, and took an active interest in their more theoretical education. This certainly included the rules of standard rhetorical theory, which, though Greek in origin, had by then become quite a normal ingredient in a boy's education. Cicero's *On Invention*, which reflects these teachings, was finished by or in 88; as mentioned above, in *De oratore* he was to reject this early work as immature (1.5).⁷ An interest in philosophy also came early in life, becoming especially keen in 88, when Philo of Larissa, head of the Academy, came to Rome. He had fled Athens, which was involved in the war between Rome and the eastern king Mithradates. The philosophy of the Academy, especially in the sceptical form it had at the time, remained a potent influence on Cicero throughout his life.

⁵"Coming of age" meant entering the stage of adult life, symbolized by the exchange of the boyhood toga bordered with purple for the white toga worn by men (the *toga virilis*).

⁶This sort of apprenticeship is described, no doubt with some (considerable?) idealization, by Messalla in Tacitus' *Dialogue on Orators* 34. The modern term often used for it, *tirocinium fori*, is generally restricted to the period immediately following the coming of age, which imposes too much regularity on traditional practices. It seems certain that Cicero, while still officially a boy, came to the forum to hear Crassus and Antonius.

⁷It is therefore wrong to combine *On Invention* and *De oratore* to obtain a description of "Ciceronian rhetoric," as is often done. For the considerable differences between it and *De oratore* see also below § 7. For the date see Kennedy 1972: 106–110.

In the prologue to the third book of *De oratore*, Cicero recalls the decade of the 80s with much bitterness, lamenting the death of a number of participants in the dialogue during that period (3.7–12; for details see there, with notes). After the war with the Italian Allies and the accompanying conflicts in Rome (90–89), there was civil war in 88–87, followed by an unlawful regime under which, apparently, the courts were for the most part inactive (87–84). Civil war then erupted again, and the victorious general Sulla restored order (82). Cicero, whose leanings were mostly conservative, did welcome this restoration, especially the emphasis on the authority of the Senate and the revival of the judicial system, but he abhorred the cruelty of the victors.

With the courts properly restored, Cicero began to take up his first civil cases, and in 81 or 80 he pleaded his first criminal case (*In defense of Roscius from Ameria*); more of both kinds followed. But he felt his education was not yet complete, and in 79–77 he took a grand tour of Greece. He visited Athens, Asia Minor, and Rhodes, meeting famous rhetoricians, orators, and philosophers. In Athens, his special teacher in philosophy was Antiochus of Ascalon, a former member of the Academy. In Rhodes, he met Posidonius, a Stoic philosopher with encyclopedic interests, and received a thorough rhetorical training under the renowned teacher Apollonius Molon, who cured his oratory, as he later claimed (*Brutus* 316), of its youthful exuberance.

Back in Rome, he felt ready for launching his career in earnest. He was somewhat handicapped, since his family had been local to Arpinum and none of his ancestors had reached senatorial status in Rome. This made him a so-called *new man (*novus homo*), which put him at a disadvantage in the class-conscious and conservative atmosphere of Roman politics. He nevertheless began to rise through the ranks of the *magistracies, being elected *quaestor in 76 BC and as such serving under the governor of the Roman province of Sicily in 75. In 70, in a spectacular case in which he defended the interests of the Sicilians, he made his name as the best pleader in Rome: he successfully brought to trial Verres, the corrupt governor of Sicily from 73 to 71, on a charge of extortion. He was elected *aedile for the year 69 (like most higher magistracies, this was an office with a one-year term). In 66 he was *praetor, and in 63 he reached the highest office, that of one of the two *consuls of Rome. He was all the more proud of this career because, despite his handicap of being a “new man,” he had reached each of these offices in the first year that the strict age regulations allowed.

The beginning of *De oratore* reflects his strong feelings about his successful consulship of 63 and its troublesome aftermath. The year witnessed the attempted coup known as the conspiracy of Catiline, and while it was partly (perhaps even chiefly) due to Cicero’s energetic approach that the crisis was ward off, the situation became especially difficult for him in December. At that time, the threat was still real, since Catiline was in Etruria with a private army. When some of the chief conspirators were arrested in Rome, Cicero therefore felt it necessary to have them executed without a trial. He had the backing of the Senate, which in his conservative view provided justification; but he earned the enmity of some *popularis*-type politi-

cians (see p. 5), who believed that the Senate had no such authority and that the execution was unlawful. These enemies were now waiting for an opportunity for revenge.

This opportunity came as a result of new pressures on the political structures of the Republic. In 60, three men forged an alliance and succeeded in drawing most of the political power toward themselves: the later dictator Caesar, the successful general Pompey, and the wealthy Marcus Crassus (a distant relative of Cicero's earlier mentor). Cicero refused to support the coalition when asked, and in the end, the three abandoned him to his enemies, who forced him into exile in 58. Though he was triumphantly recalled in 57, he soon found that power was still basically in the hands of the three men, and he despaired of the Republic. *De oratore* was written soon afterward in 55, and it is this mood of despair that is reflected in the preface (1.1–5), as well as in his choice of another time of crisis (91 BC) for the dramatic date of the dialogue.

The sequel need not detain us long here. The Roman Republic moved from crisis to crisis, culminating in a new civil war (49–46) that brought Caesar absolute power. Cicero, though pleading some cases, practically withdrew from public life. In 46, he wrote two works on oratory, *Brutus* (a history of Roman oratory) and *Orator*. Both were meant to defend his stylistic ideal against critics who called themselves "Atticists" and who attacked his style as swollen (see below p. 27 note 33). The death of his beloved daughter Tullia made him turn to long-held plans of writing on philosophy; the result was a spate of philosophical works in 45–44 (see Appendix A for titles). His goal was to reflect in Latin the main currents and controversies of contemporary Greek philosophy, and he makes no claim to originality here; yet in these works his own leanings toward the sceptical philosophy of the late Academy are clear. But politics remained his true calling. When Caesar was killed in 44, one of his lieutenants, Mark Antony (grandson of Cicero's mentor, the orator Antonius), aimed at acquiring Caesar's dictatorial powers for himself. Cicero, hoping that the Republic could be restored, threw himself into energetic and vitriolic opposition to Antony in the Senate, delivering a series of speeches known as the *Philippics*. When at the end of 43 Antony colluded with the young and ambitious Octavian (the future emperor Augustus) to force the Republican opposition into silence, Cicero was one of their first victims. His head was nailed to the *rostra*, the speaker's platform in the forum, from which he had so often and with such success addressed the Roman people.

3. THE SUBJECT: THE IDEAL ORATOR

Some aspects of Cicero's picture of the ideal orator were uncontroversial. The professional teachers, the rhetoricians, allowed that, apart from their rules, one needed natural ability and practice (cf. p. 27). Cicero agrees, and indeed lays great stress on practice, while also holding that an orator needs natural gifts of intellect as well as physical qualities such as a good voice

and appropriate bodily movement (1.113–133; 2.85–89). He adds that no one can be a true orator without good moral character (see below), and that an orator needs to bring devotion and diligence to his task (especially 2.147–150). What separates Cicero from the rhetoricians is a pair of convictions about the common system of rules (and actually any set of rules). In the first place, he believes they are too rigid and thus inadequate for their purpose; that is why he chooses an alternative approach to rhetorical theory. In the second place, they are too narrow: in his view, the orator needs not only a mastery of words, but also knowledge—ideally speaking, universal knowledge.

The first point is reflected in Cicero's constant criticism of the traditional rhetorical rules. They are mainly presented in the second book, through the person of Antonius, who is especially caustic about the traditional emphasis on the "parts of a speech" (2.78–84). Broadly speaking (cf. § 7.2), a speech was supposed to be made up of a sequence of parts, viz., prologue, narration (i.e., an account of what happened), argumentation, and epilogue; and precise rules were given for all these parts. Some rhetoricians must have pointed out that such rules could be no more than guidelines, but the detailed system itself did suggest that following the rules would almost automatically result in a good speech. Antonius, however, insists that such piecemeal rules could only lead to piecemeal composition. Instead, an orator needs to be extremely flexible, because with every speech he must persuade a particular audience in a particular case.

In those "technical" parts of *De oratore* in which he offers his own approach (from 2.99 onward), Cicero therefore focuses on another concept from traditional rhetoric: the notion of the "activities of the orator," i.e., the stages through which an orator was expected to progress when preparing and presenting a speech.⁸ These were most commonly five: invention (thinking out the material), arrangement (ordering the material), style (putting the ordered material into words), memory (memorizing the composed speech), and delivery (actual presentation of the speech). Though many rhetorical systems were in fact based on the activities, their emphasis was still on following precise rules; the treatment of the first activity, invention, was often concerned with the rules for the parts of the speech (more details on p. 31). Cicero, by contrast, takes the notion of a sequence of activities seriously. Proceeding through the activities, the orator can take a comprehensive view of the individual case in hand and duly take account of all of its special circumstances. Only such an approach can produce a coherent speech that is as persuasive as the circumstances allow.

In an important sense, then, Cicero's approach is not "rhetorical," but "oratorical." His view of the process of composition centers not on rules, but on the personal skills and activities of the orator. This is one reason why the work is not called *On the Art of Speaking*, as many handbooks were, but *On the (Ideal) Orator*.

⁸On our use of the phrase "activities of the orator" for these, see below p. 29 note 37.

The second and more radical way in which Cicero differs from the rhetoricians concerns the knowledge that the orator needs; in the dialogue, this aspect is mainly dealt with by Crassus. Almost from the beginning, Cicero insists that an orator must fully understand what he is talking about (e.g., 1.20). This implies that the ideal orator, who must be able to speak on every subject, must possess universal knowledge. It also implies that undue stress on rules leads to empty verbiage; rules, after all, mostly concern form, not content. This point is particularly true of rules of style, and this explains the fact (at first sight surprising) that in the third book, Crassus discusses the issue of knowledge within the framework of his treatment of style (3.52–143). Mere rhetorical rules, then, are too narrow.

Among the important subjects that an orator should master is the technical one of the civil law. This was obviously a somewhat controversial point, since Crassus devotes a long discussion to it (1.166–200), and Cicero makes Antonius at least initially oppose Crassus on this score (1.234–256; cf. p. 16 below). The most controversial point, however, was clearly Cicero's conviction that the orator needs philosophical knowledge. As Cicero himself indicates (1.41–47, 80–95; 3.56–143), the context for this view is the quarrel between the rhetoricians and the philosophers (cf. § 6). And at least in this respect, Cicero sides with the philosophers, who held that the rhetoricians could not offer prospective orators the knowledge that they needed.

It would, however, be a mistake simply to ask (as many scholars do) to which camp Cicero must be assigned in this quarrel; he belongs to neither. On the one hand, his recurring criticisms of the rhetoricians along the two lines sketched above clearly separate him from them (even apart from the social gap between the upper-class Roman and the socially inferior rhetoricians). On the other hand, he consistently criticizes the philosophers for their lack of practical experience and condemns a life that is aimed only at theoretical pursuits (e.g., 1.57, 219–233, 3.56–57); moreover, he argues that the ideal orator is in the end superior to the philosopher, even in the philosopher's own field (especially 1.45–73; 3.142–143).

The philosophical knowledge of Cicero's ideal orator embraces all traditional areas of philosophy (cf. 1.68): ethics, physics, and *dialectic. Ethics is especially emphasized, since this included psychology and political theory, both of great importance to the orator—the latter because of the orator's role in politics, the former because a large part of the orator's job was arousing his audience's feelings, as Cicero stresses time and again (cf. 1.17, 30; 2.215; 3.55). The role of ethics, in other words, is practical to a large extent; and this suggests that, in Cicero's view, the main reason for the necessity of philosophical knowledge as a whole is likewise practical. Other passages confirm this. A recurring idea, for instance, is that the greater the orator's knowledge, the easier it will be for him to impress, and thus persuade, his audience.

Many readers will nevertheless be inclined to think that the demand that the orator master philosophy must have a moral component, in that philosophy is meant as a moral factor, which will guarantee that the ora-

tor will not abuse his rhetorical skills. This was Plato's view (see pp. 23–24), and also that of the young Cicero (*On Invention* 1.1–5), and the role of philosophy in *De oratore* is indeed most often interpreted in this way.⁹ But the text offers no support for this notion. Cicero had no illusions that philosophical knowledge could turn bad people into good ones (cf. 3.55 with note 64). His ideal orator, of course, is a good man, in the sense that he will use his eloquence for good purposes—though in the harsh reality of Roman politics, he will not hesitate to manipulate his audience if those purposes demand it (cf. 1.229–230). His high moral qualities, however, as already mentioned (p. 10), are part of the *prerequisites* for becoming a speaker worthy of the high name of “orator” (cf. 2.85). The moral issue, then, is not connected with the knowledge theme, and plays a very minor part in *De oratore*.

With the combination of linguistic skills and comprehensive knowledge, Cicero's ideal orator has a total command over all forms of verbal communication; some passages, for example, assert that he knows how to argue both sides of every issue (3.80, 107), and he may actually be regarded as a philosopher (cf. 3.142). Many readers have felt that Cicero thus unduly “rhetorizes” philosophy; that here as well as in his (later) philosophical works, he is concerned with form rather than content. That, however, is unfair. The ideal orator is only a philosopher on the strength of his knowledge; and in Cicero's eyes, the task of philosophy as such is still the pursuit of truth—however elusive that may be for the sceptic that he was. Something similar may be said about the much-discussed passage in which he makes Antonius claim that “history is a great task for the orator” (2.51–64). There is no sign that he rejects the notion that the historian should write the truth; on the contrary, keeping to the truth is proclaimed to be the fundamental law of history.¹⁰

Cicero has also been criticized because his notion of a complete orator with all-encompassing knowledge is unrealistic. It certainly is, but he repeatedly makes it clear that he is well aware of this. It is only by putting the orator before the readers' eyes in an ideal form that the essence of oratory can be conveyed (see especially 3.83–85; cf. 1.118). The ideal orator is indeed an ideal, set up as a goal at which one should aim.¹¹

⁹E.g., Grant 1943; Barwick 1963: 20, 35–37; Conley 1990: 37. For the view given here cf. Classen 1986, and briefly LPW: 200–201.

¹⁰The influential analysis of Woodman 1988: 70–116, based on a neglect of the wider context (2.41–73), has convinced many that Cicero here advocates “rhetorical history”; but this had already been disproved by the analysis in LP II: 248–252; see also Wisse-Leeman (in preparation).

¹¹The reader, that is, was meant to react as Cotta does in 3.145; cf. LPW: 285. The criticism is found in Vickers 1988: 164–165 (a passage marred by many misunderstandings).

4. FORM I: DIALOGUE TECHNIQUE

As mentioned earlier (pp. 3–4), Cicero's choice of the dialogue form as a vehicle for his ideas about oratory was remarkable, and it must, therefore, have been quite deliberate. This conclusion is confirmed when it is seen how carefully he has molded the dialogue into a shape that could effectively convey his views to the reader.

To start with, the setting of the dialogue and its dramatic date underscore some of Cicero's purposes and themes. In September 91 BC, the political situation in Rome was quickly developing into a crisis, and this is the reason why the company gathers in Crassus' villa in Tusculum (1.24–27). Moreover, as Cicero records in the third prologue (3.1–16), Crassus died just nine days after the last day of the conversations, and most of the others met with a horrible death during the next ten years of bloodshed. Thus, the work is linked to a crisis that evoked the crisis in Cicero's own mature years; it is marked as a tribute to the memory of those present, and especially to that of Crassus; and it is firmly anchored in the Roman political context.

The dialogue itself even more clearly reveals Cicero's artistry, in at least three respects¹²: his choice of interlocutors, his use of some of them to underline certain points, and his management of the interaction between the two main characters.

As to the first point, the members of the group show a balanced diversity as to their ages, standing, and characters, and their oratorical and related qualities fit exactly their role and subjects in the dialogue (for the historical figures, see pp. 14–15). Lucius Licinius Crassus and Marcus Antonius were the two most eminent orators of their time, and at the dramatic date were among Rome's most influential politicians. They were old enough for their age and experience to command respect (49 and 52 respectively), and they had both held the consulship (in 95 and 99 BC) as well as the censorship (in 92 and 97). As for their oratory, Crassus' style was superior to that of Antonius, especially in the choice of words (3.33; *Brutus* 140, 143, 148, 158, 161, 162, 215), and he is indeed given the discussion of style in the third book (3.19–212), along with the short discussion of delivery. Cicero's later descriptions of Antonius in the *Brutus* show that his strengths were his firm grasp of subject matter ("nothing relevant escaped his attention"), his astute tactics in using and placing his points, and his excellent memory (cf. especially *Brutus* 139–142, 215); accordingly, in *De oratore* he is made to discuss invention, arrangement, and memory (2.99–216 and 291–306; 307–332; 350–360).

The other two characters who are present throughout the three books, Gaius Aurelius Cotta and Publius Sulpicius Rufus, were in their early thirties and the most prominent of the up-and-coming orators. Cicero emphasizes their much younger age by repeatedly referring to them as "young

¹²Cf. LP I: 67–70, 86–96; II: 203–206; LPW: 283–285.

THE INTERLOCUTORS

in the order of their appearance in the dialogue

SELECTED HISTORICAL FACTS ABOUT THE HISTORICAL FIGURES BEHIND THEM

Lucius Licinius Crassus (140–91 BC): one of the great orators of his time, who made a striking debut at the precocious age of 21 in 119, when he prosecuted Carbo (cf. Index at Carbo). In 118, he became one of the two supervisors of the founding of a Roman colony at Narbo (2.223 with note 185). He was quaestor in Asia in 111, afterward returning to Rome via Athens (1.45; 2.365; 3.75); and tribune of the plebs in 107. In 106, he made a speech in support of the Servilian Law about the composition of the juries (1.225–227 with note 194; 2.223). Having been curule aedile between 105 and 100 (3.92) and praetor by 98, he was elected consul for 95; he and his colleague (Quintus Mucius Scaevola, "the Pontifex") carried a law about citizenship (2.257 with note 232). In or just after 94, he defended Manius Curius in a famous civil case (see 1.180 with note 141). He was censor in 92, together with Gnaeus Domitius Ahenobarbus; they issued an edict against the "Latin rhetoricians" (3.93–95), but subsequently quarrelled and abdicated from office in the same year (2.5, 227, 230, 242). He was also a member of the College of Augurs (1.39). In the late 90s, he was one of young Cicero's mentors (cf. p. 7). He died on 19 September 91 (3.1, 6), briefly after the dramatic date of *De oratore*, having been taken ill at the eventful Senate meeting described in 3.2–6.

Quintus Mucius Scaevola, "the Augur" (168/160–(?)87): born into a family with a tradition of legal expertise, he was an eminent jurist himself. He was Laelius' son-in-law and in turn father-in-law of Crassus. Acquainted with Panaetius, he was inclined toward Stoic philosophy (1.43, 45, 75). While praetor in Asia in 120, he visited Rhodes (1.75; 2.269). A clash with Albucius (parodied by Lucilius) led to the latter's prosecution of Scaevola for extortion in the province, in 119/118 (2.281; 3.171; 1.72 note 53). He was consul in 117. He was known as "the Augur," having become a member of the College of Augurs before 129. After Crassus' death, he became young Cicero's chief mentor (cf. p. 7). He died probably in early 87.

Marcus Antonius (143–87 BC): one of the great orators of his time. Quaestor in Asia in 113 (where his office was extended to 112). As praetor in 102, he began a campaign against the pirates in Cilicia, successfully concluded in 100; on his way to Cilicia, he visited Athens (1.82 with note 60; 2.2, 360). As consul in 99, he opposed the tribune Sextus Titius (2.48; 3.10; cf. 2.265). He was censor in 97 (2.274; 3.10). In the same year or somewhat later, he successfully defended Manius Aquilius in an embezzlement trial (see Index at Aquilius); and probably in 95, in a celebrated case, he defended his former quaestor Gaius Norbanus (see Index at Norbanus). He was also a member of the College of Augurs. Like Crassus, he was Cicero's mentor in the late 90s (cf. p. 7). He died in the "purge" of 87 (3.10 with note 14). For his "little book," see 1.94 with note.

Gaius Aurelius Cotta (124–74/73 BC): one of the young, promising orators at the dramatic date of *De oratore* (91). His bid for the tribunate of 90 failed just after Crassus' death (1.25; 3.11). Later, he was elected a member of the college of priests (*pontifices*), and he obtained the consulship in 75.

Publius Sulpicius Rufus (124/123–88 BC): another young, promising orator in 91. A fairly early, small case is mentioned in 2.88; soon afterward, however (probably in 95), he was prosecutor in the celebrated case of Gaius Norbanus (see Index at Norbanus). As tribune of the plebs in 88, he embraced a radical policy (see 3.11 with note 19); he was killed after Sulla's march on Rome later that year.

Quintus Lutatius Catulus (149 [or shortly before]–87 BC): half-brother of Caesar (below). He was elected consul for 102 (after three unsuccessful attempts); as proconsul in 101 he was joined by Marius in the battle of Vercellae in northern Italy, where they crushed the Gallic invaders (cf. 2.266 note 255). He was a poet and writer with considerable knowledge of things Greek. In the "purge" of 87 he was forced to commit suicide (3.9).

Gaius Julius Caesar Strabo Vopiscus (131(?)–87 BC): half-brother of Catulus (above). As an orator, he was famous for his wit. He was elected a member of the college of priests (*pontifices*) before 99, and was curule aedile in 90 (cf. 3.92). When he illegally tried to obtain the consulship of 88, one of the main opponents to his candidature was Sulpicius (3.11 note 19). He was killed in the "purge" of 87 (3.10).

men." Thus, they can credibly be represented as eager to hear the views of Crassus and Antonius, and act as the driving force behind much of the discussion (e.g., 1.96–102). At the moment of the dialogue, they are politically aligned with Crassus and Antonius, but as Cicero recalls in the prologue to the third book, Sulpicius would soon "desert" his political friends (3.11, with note 19). Being thus potentially the least appealing of the company, it is no coincidence that of all those present, he is least amenable to Crassus' ideas, and that the only rude remark in the whole dialogue is made by him (3.147); his lack of learning (reported in *Brutus* 214) is also relevant here. Crassus' father-in-law, Quintus Mucius Scaevola, being about 74 years old and having held the consulship as long ago as in 117 BC, adds an element of age and dignity. Though apparently not much of an orator (*Brutus* 102), he was a respected specialist in the civil law. Thus, his presence lends weight to the discussion of the orator's knowledge of this subject (though it is given to Crassus as the better orator; 1.166–200). Also, his philosophical interests make him a suitable figure to introduce an early reference to Plato and to formulate some of the major objections of the philosophers against rhetoric and oratory (1.28, 35–44, 74–75). At the end of the first book, i.e., of the first day of the conversations about oratory, Scaevola leaves. (As Cicero later wrote to his friend Atticus [*Letters to Atticus* 4.16.3], he thought it unfitting to have the aged and eminent Scaevola participate in the more technical discussions of books 2 and 3.) His place is taken by two new arrivals at the start of the second day (2.12–28), the two half-brothers Quintus Lutatius Catulus and Gaius Julius Caesar Strabo. Catulus, who was 58 or slightly older, was not among the greatest orators, but his language was impeccable and he was a literary figure with considerable knowledge of Greek literature and philosophy. This makes him exactly the right person to add depth to the dis-

cussions by commenting on literary and philosophical subjects brought up by the others (see, e.g., 2.54 and 3.126–131). His half-brother Caesar, who was probably 40, was about to be aedile the following year; his oratory was strikingly individual, characterized by lightness of tone and wit. Accordingly, he contributes some light touches, as well as the discussion of wit in the second book (2.216–290).

As to the second of the three aspects of Cicero's dialogue technique mentioned above, some characters are used to reinforce points made by the chief speakers, particularly those that would have been hard for Cicero's contemporaries to understand or accept. Sometimes this happens indirectly, for instance at a point when Antonius' choice of his next subject must have surprised many contemporary readers (2.179); Catulus mirrors these readers' reaction by expressing his own surprise, and Antonius is thus provoked to add some further explanations (cf. 1.76–77; 3.82). More often, the secondary characters endorse the main speaker's claims and thus lend them more weight (2.202–204; 3.82, 126–131, 144–145).

As to the third aspect, Cicero has carefully staged the interaction between his two main speakers. In the last part of the first book (1.209–262), Antonius vigorously opposes all of Crassus' claims about the necessity of knowledge for an orator, and Sulpicius and Cotta are accordingly confused (1.262). But at the beginning of the second book, it turns out that Antonius really agrees with Crassus; and he concedes that he had just been exercising his "penchant for refutation" (2.40; cf. 1.263). Thus, Cicero has done justice to both sides of the problem of the knowledge of the orator, while in the end restoring the unity of the group. But as Cicero himself signals through Crassus (1.263), Antonius' about-face, far from being a simple trick for this purpose, exactly fits (and illustrates) the technique of "arguing both sides of an issue" (*in utramque partem dicere*), which was central to Cicero's conception of the ideal orator (above p. 12).

But even in books 2 and 3, there is a difference between the two¹³: Antonius stresses the practical and more down-to-earth aspects of oratory, Crassus the figure of the ideal orator. The reader, however, is repeatedly encouraged to suppose that they are merely showing two sides of the same coin, and are basically in agreement (1.206; 3.22, 54). The two cases in which their views differ more substantially are clearly signalled, explicitly in 3.119, implicitly in 3.215. In the latter case, the reader is thus invited to infer that Cicero's own view is a synthesis of the two (cf. note 300 at the passage). In the former, where Crassus has just offered a classification of cases different from that of Antonius, he proceeds to offer such a synthesis himself. And this synthesis is quite significant as to Cicero's view of technicalities: different technical approaches are possible, but such differences are immaterial, since the end result is the same.

* * *

¹³See especially LP II: 183–184.

All this shows that Cicero has extensively “manipulated” the dialogue. This is not surprising, because the ideas presented in the dialogue are clearly his own, as is shown by the many correspondences with his later rhetorical works, particularly *Brutus* and *Orator* (46 BC). Moreover, from one of Cicero’s letters it is clear that he spoke “through the character” of his interlocutors (*Letters to Friends* 7.32.2, of 50 BC). It is obvious, then, that the conversation did not take place as Cicero reports it. To what extent may we nevertheless take “facts” from the work as historical? Scholarly opinion about this question differs widely. Some reject the whole of the dialogue and its setting as a product of Cicero’s imagination; others, while conceding that many details must be Cicero’s, talk about his overall picture of Crassus, Antonius, and the others as if they were, or should be, “facts.” Both approaches are unduly simplistic.¹⁴

When we are dealing with matters of general background, not with aspects touching the subject matter of the work, we must assume them to be historical. Whenever one of the numerous references to historical events that Cicero has incorporated into the work (to people, magistracies, etc.) can be checked against other sources, it turns out to be accurate, apart from a few apparent mistakes. His letters from 45–44 BC, when he was writing his philosophical works, also show him constantly hunting out historical information, such as the dates of events he wanted to mention.¹⁵ Cicero clearly aimed at historical plausibility. Thus, there is no need to doubt that both Crassus and Antonius visited Athens on their way to their provinces (cf. especially 1.45–47 and 82–94). Also, when Cicero tells us that Antonius was politically aligned with Crassus and the others in 91 BC, we must believe him; a discrepancy in this regard would have jarred on the ears of contemporary readers.¹⁶

On the other hand, we must not take everything as “fact,” or assume that if no conversation took place, Cicero is “lying.”¹⁷ The category of lies is hardly appropriate. As Cicero wrote about his *Academica* some ten years later, the “conventions of the dialogue” (*mos dialogorum*) allowed one to present a conversation that never actually took place; for that work, he had originally even used interlocutors who knew very little about the subject.¹⁸ That is, the

¹⁴Cf. LP I: 90–96; II: 186–188; and LPW: 283–285.

¹⁵E.g., *Letters to Atticus* 12.20.2; 12.23.2; see Rawson 1972: especially 39–42 (= Rawson 1991: 70–75).

¹⁶It is most prominently Badian who simply rejects such information as fictional (e.g., in 1984: 124); to him, Antonius was actually a political opponent of Crassus.

¹⁷The notion of “lying” is found in Kennedy’s earlier treatment of *De oratore* (1972: 215–218), but not in his later one (1994: 140–146). Among historians, it is prominently Gruen who naively talks of the “facts” offered by *De oratore* (e.g., 1992: 264–265 with note 197), failing to distinguish between background and matters touching the theme.

¹⁸*Letters to Friends* 9.8.1 and *Letters to Atticus* 13.16.1; cf. the many other letters to Atticus mentioning this work (many in the series *Letters to Atticus* 13.12–13.25; and 13.35.2, 13.44.2). See also, e.g., *On the Republic* 1.16 on the fictional character of Plato’s dialogues.

genre is partly fictional, especially where matters regarding the theme of a work are concerned. For *De oratore* this implies, for instance, that while we can assume that Crassus and Antonius visited Athens (above), there is no telling whether they indeed met the philosophers whom Cicero makes them meet. More essentially, the claim in the second prologue (2.1–6) that both Crassus and Antonius were really much more learned than people generally thought, cannot be relied upon. And indeed, Cicero in his *Brutus* (214) tells us explicitly that Antonius lacked learning. In view of the conventions of the genre, most readers will have realized there were fictional elements. In particular, they will have seen through Cicero's claim about the learning of Antonius and Crassus, and will have enjoyed the literary game that Cicero plays in gradually developing the picture of Antonius' knowledge in the second book (2.59–61, 152–156, 362–363).¹⁹

5. FORM II: "RHETORICAL" TECHNIQUES AND THE WAY TO READ *DE ORATORE*

Cicero's dialogue technique, as described in the preceding section, implies that isolated passages may often be misleading. Some other aspects of form have the same effect, and need to be mentioned for a better appreciation of the work. Cicero obviously wanted to persuade his readers of his unorthodox views, and in trying to do so, he employed some "rhetorical" techniques that seem to be aimed especially at readers who straightforwardly went through the text from beginning to end. These techniques involve in particular repetition and variation. This has tempted some scholars into thinking that *De oratore* is carelessly written²⁰; wrongly, since the repetitions are mostly functional, and the variations often exhibit a discernible pattern.

To begin with, there is the simple didactic technique of mere repetition. For instance, Antonius time and again stresses the need to be careful and diligent (especially 2.147–150)—perhaps with good reason, to judge from the descriptions of the lax way that many orators went about their task (1.173; 2.316). Likewise, we can see the reason for Antonius' almost continual rejection of the traditional system of "commonplaces" in Book 2 (see p. 34). This is one of the points where Cicero diverges markedly from the common handbooks, and he must have been aware of the tenacity of the handbook tradition and the relative initial difficulty of his alternative concept.

¹⁹This is the view taken by LP and LPW (above note 14). Hall 1994 sees the unhistorical claim about the learning of the main characters as one of Cicero's "rhetorical" ploys to enhance the plausibility of his picture of the widely learned orator.

²⁰Such judgments (mostly with respect to the dialogue form) are not only found in superficial treatments such as Vickers' (1988: 34, 36, etc.), but also in serious discussions such as Kennedy's (1972: 212, 226; cf. 1994: 146); see also note 22 below.

Two other techniques are more subtle, and therefore likely to cause confusion: gradual development of a point of view, and repetition with significant variations. These are particularly relevant to Cicero's presentation of the theme of the knowledge of the orator in the first part of the third book (3.19–147; cf. LPW: 93–95).

This theme is developed in a number of successive "waves" (cf. the synopsis below, pp. 47–48). In the first of these (3.19–24), Crassus introduces the theme (and related matters), though without any sign that he will come back to it later. Then, after treating some technical aspects of style, he unexpectedly brings up the problem of knowledge again in a second wave (3.52 ff.). This ends in a transitional passage (3.91–103), in which he seems to return to a more technical approach. But in a third wave (3.104 ff.), we find him again addressing the theme, and developing it by offering a concrete, systematic approach to the orator's treatment of general questions (*theses*; 3.111–119). And though Cicero makes Crassus plan to round off the theme in 3.120–125 (see 119 with note 148), Catulus calls him back. In a fourth wave (126–143), the theme is then taken to its climax.²¹

Within this broad structure, Cicero also employs his technique of repetition with variations. While he makes Crassus repeat his demand that the orator have broad knowledge, this demand takes two different forms. On some occasions, Crassus claims only that the orator needs knowledge of ethics (which included psychology and politics); but on others he defends what we might call the "maximalistic" view, demanding universal knowledge of philosophy (i.e., of *dialectic and physics as well). The variation between these two views might seem careless. On closer inspection, however, it turns out to be carefully orchestrated. Several times, Crassus moves from the more cautious, restricted claim to the bold, "maximalistic" claim about the universal knowledge of the ideal orator. In the second wave, he begins with the restricted claim (3.52–73), but then formulates the broad one in a stylistically marked climax (3.80–81). In the third wave, he again begins by mentioning ethics only (see the examples in 3.111–119); but at the end of this third wave (from 3.122 onward), as well as in the fourth, it is the "maximalistic" claim that he defends. Cicero, then, uses repetition with seemingly slight but essential variations to make his bold claim about the knowledge of the ideal orator gradually acceptable to his readers.²²

²¹In LPW: 93–94, what are here interpreted as the third and fourth waves are somewhat crudely lumped together.

²²Barwick 1963: 35–39 was apparently the first to describe the presence of the two variants in the third book. He took it as proof that Cicero slavishly copied different, incompatible sources, presumably without noticing the difference. This explanation is implausible in itself, if only because Cicero himself underlines the same distinction elsewhere (1.48–73; cf. p. 11); moreover, the careful handling of the two variants proves that Cicero himself is at work here.

6. BACKGROUND I: THE QUARREL BETWEEN RHETORICIANS AND PHILOSOPHERS, AND CICERO'S POSITION IN IT

Almost from the start of their existence as more or less recognizable disciplines, rhetoric and philosophy quarrelled. This phenomenon is often treated on a purely abstract level; as a result, *De oratore* is often seen simply as Cicero's answer to Plato's classic strictures against rhetoric. The conflict, however, was more complicated than that, and was fought on different terms in different times. Certain broad issues did recur, but they were not always equally crucial, and were often formulated in different ways. Here we will concentrate on the elements relevant to Cicero. We will see that he takes a middle position in the quarrel of his time; but the synthesis that he defends in *De oratore* combines philosophy not so much with the discipline of rhetoric, but with eloquence. His ideal is not a rhetorician-philosopher, but an orator-philosopher.

6.1 BRIEF HISTORY OF THE QUARREL²³

Rhetoric as a discipline was said to have originated in Sicily, but its flowering and development were a product of fifth- and fourth-century Athens. There, democracy and extensive litigation had made the ability to speak in public a desirable commodity, and the traveling teachers known as sophists provided systematic training and doctrines. Some sophists were major thinkers in their own right, but this aspect can be overstressed; many were no more than teachers of rhetoric. In the first half of the fourth century, Isocrates opened a school and thus offered a more formalized and extensive rhetorical education, but many other teachers were still active in the older, informal way. Fifth- and fourth-century Athens also played a central role in the transformation of philosophy into a recognizable discipline. Plato, a pupil of the charismatic figure Socrates, founded the first philosophical school, the Academy, at the beginning of the fourth century. Other schools (whether more or less formally organized) were to follow, many also founded by pupils of Socrates. Socrates himself had most probably been an opponent of rhetoric, and had, moreover, in 399 BC been condemned to death by an Athenian court. This made some of his pupils, and especially Plato, very hostile to rhetoric, and his philosophical dialogues *Gorgias* and *Phaedrus* both testify to this hostility (even if in the latter, he takes a more constructive approach by trying to formulate a kind of ideal rhetoric). More generally, the emergence of educational institutions for both disciplines stimulated their rivalry, and competition was lively and fierce.

²³On this subject, von Arnim's brilliant account of 1898 and Kroll's 1903 article are still very influential, despite reliance on methods now generally thought inadequate. (See, e.g., the survey in Kennedy 1963: 321–328; cf. 1972: 214–225, 219–220.) For the picture given here see LPW: 95–101.

In the third century BC, however, it seems that the quarrel abated. It may well be (and this is the usual explanation) that the rhetoricians were restricted to giving elementary instruction to the young, leaving the rest of the educational field to the philosophers. By the end of the century the philosophical landscape was dominated, as it would be until about Cicero's time, by four schools, all founded in fourth century Athens, and all led by an official head. These were the Academy (founded by Plato), the Peripatos (Aristotle), the Stoa (Zeno of Citium), all of which traced their descent back to Socrates; and the Epicurean school (Epicurus). All of these play a part in *De oratore*; a "family tree" of their descent from Socrates is part of Crassus' argument in the third book (3.62–68; see diagram, p. 243).

A new phase started sometime in the second century BC; renewed quarrelling is evident around 150. The scantiness of our material precludes certainty, but this new competitiveness may have had something to do with the expansion of Roman power in the Greek world around that time, and with the growing influence of Greek culture in Rome (cf. 1.14). The appearance of the Romans on the Greek educational scene may have led rhetoricians to try to give their discipline a higher standing, and to be more aggressive toward the philosophers. Hermagoras of Temnos, the first great name in rhetoric after almost two centuries, was active around this time (ca. 150). He partly restructured the rhetorical system, and his "status" theory (see pp. 32–33) was particularly influential. This new vigor, in turn, may have provoked the philosophers to counterattack.

Three names stand out in the philosophical camp of that time. They belong to the heads of three of the four important schools: Diogenes the Stoic, Critolaus the Peripatetic, and Carneades the Academic. In 156 or 155 BC, the Athenians sent them to Rome on a famous embassy, mentioned by Cicero in the second book (2.155–161). All three used the occasion to give public lectures, which drew large audiences but displeased old-fashioned Romans like Cato the Elder. The spectacular lectures of Carneades must have been especially shocking. His school, the Academy, had changed its philosophical orientation and adopted a sceptical position a century before (ca. 270); in Rome, Carneades demonstrated his sceptical skill at arguing both sides of the same issue. He lectured on justice, arguing for its usefulness on one day (which might still have pleased Cato), but for the opposite view on the next (which certainly did not). His skill as a speaker is praised by Cicero, and it has therefore been supposed that he taught rhetoric. But this cannot be right. In *De oratore*, Cicero makes Crassus as well as Antonius, while in Athens, meet some philosophers who are emphatically introduced as pupils of Carneades, and all of them are then said to have attacked rhetoric and oratory (1.45–47, 82–93). When Crassus refers to Carneades as an example for the orator (3.71, 80), it is not because Carneades favored rhetoric, but because the orator must, in Cicero's view, acquire the knowledge and arguing skills of such philosophers.

Carneades and his successors in the Academy, then, violently attacked rhetoric; and even though the issues had partly changed (cf. § 6.2), they often did so with Plato's *Gorgias* and *Phaedrus* in hand, as Crassus' account of

his Athenian visit and other passages in *De oratore* suggest (1.28, 47, 57 with note 47, 87 with note 65; 3.122, 129). Critolaus and later Peripatetics were likewise hostile. Material on Diogenes the Stoic in this respect is scanty, but one of his successors in the Stoic school, Panaetius, as well as his pupils, did oppose rhetoric (1.45, 75). The fourth school, that of the followers of Epicurus, despised all forms of culture, including rhetoric. The quarrel was still alive in Cicero's day, as *De oratore* itself testifies.²⁴ However, the attitude of Dionysius of Halicarnassus in his Preface to *On the Ancient Orators*, written about 25 BC in Rome, seems to indicate that the quarrel was over by 40 BC—at least for the time being, for there is evidence that it flared up again in the first and second centuries AD.²⁵

Two unexpected moves in the quarrel were made not long before Cicero wrote *De oratore*. Zeno of Sidon, head of the Epicurean school when Cicero visited Athens in 79–78 BC, modified the traditional Epicurean hostility to rhetoric. He was followed in this regard by his pupil Philodemus, who went to work in Italy. Since, however, Cicero mostly ignores the Epicureans, their new stance seems largely irrelevant.²⁶ The other unexpected move was made sometime in the 90s BC by Philo of Larissa, who had been head of the Academy from 109 BC and would later move to Rome (above p. 7). As Crassus almost casually mentions in 3.110 (cf. *Tusculan Disputations* 2.9), Philo began to teach rhetoric in the Academy. This was probably, more than anything else, a desperate effort to attract pupils. Scholars formerly often assumed that he proposed a synthesis of philosophy and rhetoric, and that Cicero took the idea from him, but this notion has proved untenable.²⁷ For one thing, Crassus (in 3.110) represents his move not as a reconciliation but as another attack on the province of rhetoric and oratory. Also, Cicero's *Partitiones oratoriae*, a little handbook written for his young son not long after the composition of *De oratore*, is probably modeled on Philo's rhetorical teach-

²⁴See also Philodemus' *On Rhetoric* (around 50 BC??); and ca. 60 BC, the Stoic Posidonius (Test. 39 Edelstein/Kidd = Plutarch, *Life of Pompey* 42.5) and the rhetorician Apollonius Molon (cf. scholium to Aristophanes' *Clouds* 144; Diogenes Laertius 3.34); the latter two were active on Rhodes.

²⁵Cf. Quintilian, particularly 2.16–17; Aelius Aristides, orations 45–47 Dindorf (= 2–4 Lenz/Behr); Lucian's parody *Parasite*; Sextus Empiricus, *Against the Rhetoricians* (= *Against the Professors* 2).

²⁶Scholarship on Philodemus' treatise *On Rhetoric*, however, is rapidly progressing, largely due to the activities of a team of scholars who are preparing a new edition of this work (which is only partly preserved on papyrus, and that in a severely damaged state). New evidence for connections with Cicero's rhetorical works may therefore come to light. Until now, however, Philodemus has been chiefly relevant as providing us with some material to fill in the background to Cicero's writings (cf. LPW: 148–149; and the debate between Gaines forthcoming and Wisse forthcoming).

²⁷That Philo was Cicero's "source" was the influential thesis of von Arnim 1898 (see note 23). The thesis of Kroll 1903 was that Cicero's "source" was Antiochus of Ascalon, a pupil of Philo's who later rebelled against him and founded his own school, which he called the Old Academy. On these issues cf. LPW: 95–96, 97–99.

ings (cf. *Part. or.* 139); this shows no sign of a synthesis, and differs from *De oratore* in other important respects. Cicero's synthesis was most probably his own, as a brief examination of the issues in the quarrel in the next section will illustrate.

The rapid historical survey in the foregoing section derives much of its material from *De oratore*, but it should be added that it is far from identical to the picture presented by Cicero himself. His view of the history of the quarrel dominates the longest part of Book 3 (3.56–143), and is of a piece with his picture of the ideal orator. He contends that originally, wisdom was not yet separated into speech and knowledge; the domains of speaking and of knowing were separated only by Socrates' hostility to rhetoric and oratory, which decisively influenced his followers. Cicero thus projects his ideal back into the old days before Socrates, presenting it not as an innovation, but as a return to the original state of things.

6.2 THE ISSUES IN THE QUARREL; CICERO'S POSITION

The quarrel was fought mainly over three issues: the question whether rhetoric was an "art" (on the term see below), the immorality of rhetoric, and the knowledge necessary for oratory. The first two questions are comparatively unimportant in *De oratore*, while the issue of knowledge is central for Cicero. Others, however, often considered the three issues to be linked. In Plato, this link was particularly tight and took a special form.

The special sense in which the term "art" is used in this connection must first be briefly explained. The English word "art" is an unfortunate but unavoidable equivalent of the Greek *technē* (τέχνη) and the Latin *ars*, and covers a concept central to much ancient thinking about systematic teaching. Most of the sophists in Plato's day and most of the later rhetoricians indeed advertised their rules as being an "art." A discipline was regarded as an art in this sense if it was a systematic body of real knowledge that constituted a reliable guide for attaining the desired practical results—in the case of rhetoric, persuasion of the audience. Confusingly, the word could also designate a book containing the system, or the practical skill based on the system; moreover, it was also used more loosely to indicate disciplines or skills regardless of the strict definition. For many rhetoricians, however, it is the strict definition that was relevant, since only an art in this sense was considered capable of being taught—obviously vital to the rhetoricians' profession. And Plato likewise starts from the strict definition.

The first step in Plato's reasoning²⁸ starts from the claim that rhetoric is an art. If this is so, he argues, the knowledge on which it is based must necessarily be true, i.e., absolute, "philosophical" knowledge; otherwise its results could never be guaranteed. And since rhetoric is in large part concerned with lawsuits, which involve questions of right and wrong, it must include true knowledge of right and wrong. His next step is based on the so-called Socratic paradox, which says that morality is a question of knowledge; some-

²⁸The most important passages are *Gorgias* 459 C–460 C; *Phaedrus* 259 E–266 B.

one with real, "philosophical" knowledge of right and wrong will act on the basis of this knowledge, and so his or her actions will be morally right. (Conversely, morally right actions require such knowledge.) Applied to rhetoric, this means that anyone who possesses a true rhetorical art will never do wrong. Thus, philosophical knowledge is central to rhetoric. Without it, rhetoric cannot be an art and is morally dangerous.

This simplified account of Plato's views is necessary here partly for negative reasons. Though he is often regarded as one of the moving forces behind the quarrel in all its phases, *De oratore* strongly suggests that the terms of the debate had come to be different. It is certainly true that in particular the Academic philosophers of the second and first centuries BC who opposed rhetoric appealed to him, and that the *Gorgias* and the *Phaedrus* were central texts (above pp. 21–22). Cicero's attitude actually mirrors theirs in this respect, for while greatly admiring Plato as a philosopher and writer (e.g., 3.15), he also indicates that Plato was the prime representative of the hostility to oratory that he rejects (1.28, 47, 57 note 47, 87 note 65; 3.122, 129). In all this, however, Plato functioned as a symbol; his actual approach was hardly followed. Cicero's stance toward the three main issues shows that he is not trying to answer Plato's arguments (below), and *De oratore* shows no sign of the tight link between these issues that we find in Plato. Something similar was clearly true for most philosophers. The position of the Stoics did resemble Plato's, but their arguments are rejected by Cicero as impractical and thorny (1.83; 2.157–159; 3.55, 65–66). The Academics, however, the most formidable opponents of rhetoric and oratory in Cicero's eyes, did not connect the issues tightly.

As to the issue of art, it was still true that "art" was commonly defined as based on exact knowledge. Also, the moral issue often played a part, in that an art was supposed to contribute to a "good" or "useful" goal in life.²⁹ It is probable that the rhetoricians, who usually called their system "art," indeed claimed, implicitly or explicitly, that they offered all this. But when Charmadas, the versatile Academic portrayed in 1.84–94, offers a definition of art, the moral component is conspicuously absent (1.92; cf. 1.108). And although he argues about the lack of exact knowledge in this connection, he also addresses the knowledge theme independently. Moreover, most of his anti-art arguments are circumstantial, e.g., the notion that rhetoricians themselves are always bad speakers (1.90–91). This undogmatic approach is, of course, quite compatible with the sceptical outlook of the Academy of this period. Cicero on his part makes no effort to counter any of these arguments about the art issue. We must realize that this may have been quite surprising to his readers, in view of the importance of the issue in the quarrel. But as we have seen (pp. 10–11), Cicero had no love for the rhetoricians' "arts," and concentrated on the person of the orator instead. We find him saying (through Crassus as well as Antonius) that valuable guidelines on the basis

²⁹See, e.g., Quintilian 2.17.41; Sextus Empiricus, *Against the Professors* 2.10. On the issue of rhetoric as an art see LP I: 190–194; Hubbell 1920: 364–382; Barnes 1986.

of experience can be provided, but he cheerfully concedes that there is no art of speaking in the strict sense (1.102–110; 2.32).

As has already been pointed out (pp. 11–12), the moral issue plays only a minor role in *De oratore*, despite the importance accorded it by many modern scholars. Readers will notice that Scaevola (who formulates the case against oratory in 1.35–44) brings up the point (1.38), but that Crassus does not address it in his reply. Cicero was certainly aware of the centrality of the issue for Plato, but did not believe in the connection between knowledge and morals (see 3.55 with note 64). Cicero's demand that the orator should have philosophical knowledge has no moral background.

The issue of knowledge, then, must be considered by itself. The relevant background to *De oratore* needs some clarification here, since it is specific to Cicero's time. Hermagoras (cf. p. 21), as well as many other rhetoricians, subdivided the material of rhetoric into *theses* and *hypotheses*, "general questions" and "specific questions." The latter concern specific persons, events, and circumstances. A typical example is a judicial case, such as "Did X kill Y?"; this concerns a specific person, accused for a specific act, committed at a specific time, and under specific circumstances. Everyone, therefore, regarded the *hypotheses* as the regular area of the rhetoricians, even though questions such as "Should Cato marry?" were also called *hypotheses*, as being about one specific person. The question "Should one marry?," however, is general and an example of a *thesis*; in 3.112–118, many other philosophical and semi-philosophical examples are given, such as "What is wisdom?" (113). So by incorporating the *theses* in the material of rhetoric, Hermagoras made an inroad upon the domain of the philosophers. This may in fact have been one of the ways in which the renewed aggression of the rhetoricians started at that time. Some rhetoricians went further than others. Hermagoras restricted his claim to *theses* about ethics and politics, but others seem to have claimed all *theses*, including those about physics, such as "What is the size of the sun?." Despite these claims, however, all rhetoricians, in their actual systems, restricted themselves to their traditional material, the rhetorical *hypotheses*, which gave the philosophers the opportunity to strike back and ridicule their claims (cf. 1.41–44, 86).³⁰ For dealing with *theses*, they said, one needed philosophical knowledge.

The philosophers also criticized the rhetoricians in a way reminiscent of Plato's *Phaedrus*. Oratory to a large extent relied on stirring up the emotions of the audience, and for this a knowledge of psychology was needed. The rhetoricians, however, could not offer such knowledge, but the philosophers could, since psychology was part of the ethical branch of philosophy (1.87).

³⁰It is often said that the rhetoricians did discuss the *theses*, but as Clarke showed long ago (1951; cf. LPW: 96–97), the criticism mentioned here (for which see *De oratore* 2.65–66, 78; 3.107, 110) is consistent with most of the other evidence; Seneca, *Controversiae* 1 praef. 12 and Quintilian 2.4.41–42 are based on a misunderstanding. It is only later that rhetorical systems also offered discussions of *theses* (much material in Throm 1932; his actual treatment is unsatisfactory as a whole, but does contain some pertinent analyses).

When some of Cicero's main arguments for his view that the ideal orator possesses universal philosophical knowledge are evaluated against this background, the special nature of his position becomes apparent. It will be seen, especially in 3.104–143, that he does not side with either camp, but combines arguments from both sides in support of his own position, taking them not as arguments about disciplines but about the competence of the ideal orator. On the one hand, he agrees with the rhetoricians' claim on (all) the *theses*; but not as part of any rhetorical system, but as part of the competence of the orator. On the other, he agrees with the criticism of the philosophers that the rhetoricians' handling of the *theses* is ridiculous; that one needs philosophical knowledge to handle them all; and that the orator also needs a knowledge of ethics, including psychology.

He supplements the arguments that are clearly drawn from the two camps with a great number of others. He contends, for instance, that the distinction between *thesis* and *hypothesis* is unnecessary, because every *hypothesis* is merely a specific version of a *thesis* (2.133–142, 145; 3.120).³¹ Other, recurring arguments are the unity of content and words and the intrinsic unity of eloquence, whatever subject it addresses (e.g., 1.21; 3.19–24); the need for impressing the audience (e.g., 3.52–54); and the connected view that “distinction” (*ornatus*), a concept usually restricted to style, is better seen as concerned with content (see Glossary). Particular attention must be drawn to the system of “commonplaces” for discovering arguments, which Antonius advocates in Book 2 (see below, p. 34). This alternative system is fit for dealing not only with concrete cases (*hypotheses*), as the rhetoricians' systems were, but also with abstract ones (*theses*). This provides a very practical underpinning of Cicero's view that an orator can deal with both types of questions.³²

Apart from these abstract, systematic points, there is also the elaborate “historical” claim about the original unity of speech and knowledge, put forward in 3.56–143 (above p. 23). This involves some points of detail that must, again, have alerted contemporary readers to Cicero's rejection of the claims of both the philosophers and the rhetoricians (cf. 3.56 with note 65; 3.57 with note 66). But the historical claim itself is of course a far stronger signal of his emphatic middle position: “the ancients had intended there to be an amazing sort of communion between speaking and understanding” (3.73). According to Cicero, the quarrel should never have arisen in the first place.

7. BACKGROUND II: TRADITIONAL RHETORIC AND CICERO'S ALTERNATIVE

Cicero supposes his readers to be familiar with most features of the rhetorical systems found in his day. His own account, and some of its essential dif-

³¹This point may have been taken from a rhetorician, Athenaeus, a rival of Herma-goras (cf. Quintilian 3.5.5); but Cicero does not indicate that it is.

³²This was pointed out, with great clarity, by Merklin 1987; see also, e.g., 3.78.

ferences with school rhetoric as exemplified in his youthful *On Invention*, cannot properly be understood without this background, and without reference to Aristotle, from whom he probably drew some of his "reforms." These "reforms" are modifications and changes on a technical level; but the result is not meant to be a system with the same claims as those of the rhetoricians. As mentioned before (pp. 10–11), it was Cicero's conviction that rules, even if they are much better than what the rhetoricians have to offer, can never be enough.³³

In this section, we provide a survey of the most relevant doctrines of standard rhetoric. It is necessarily extremely brief, and instead of reading it in sequence, readers may prefer to use it as a compendium, consulting it when reference is made to it in the notes to the translation.

7.1 PRELIMINARY QUESTIONS

Art, Nature, Practice (and Imitation). At the beginning of most rhetorical manuals, mention was made of three factors needed for the attainment of eloquence: *art (*ars*, τέχνη), natural ability (*natura*, *ingenium*), and practice (*exercitatio*, *usus*).³⁴ The relative value of nature and art was a subject fairly often discussed in this context (cf. Quintilian 2.19). The rhetoricians of course held that even though natural ability might be necessary, art was also indispensable; others were sceptical, thinking that talent and/or practice were enough (the view of Cicero's brother Quintus: *De or.* 1.5).

Cicero devotes two long passages to such questions (1.113–159; 2.74–98), in which both Crassus and Antonius minimize the importance of the traditional rhetorical arts (1.134–146; 2.74–84), and stress the importance of natural ability as compared with these. In these passages, Crassus also discusses exercises (1.147–157), while Antonius ends his preliminaries by treating another factor often mentioned in this connection, viz., imitation.³⁵ The traditional Roman way of training young prospective politicians and orators, by having them follow respected older examples in the forum (above p. 7), made this an important factor in the formation of an orator. But the usual triad remained that of art, nature, and practice, and to this *De oratore* contains numerous references, both implicit and explicit.

Basic Classifications: theses and hypotheses, the rhetorical genres (see Diagram 1; e.g., 1.138 and 141). From Hermagoras onward, the treatment of the system

³³In this introduction to *De oratore*, no reference is needed to the phenomenon known as Atticism, the "movement" that advocated purity and simplicity of style as it was (allegedly) practiced by the classical Athenian orators. Though the movement arose around 60 BC, Cicero did not think it necessary to address it until his *Brutus* and *Orator* of 46 BC (cf. Wisse 1995). There are possibly some echoes of the controversy in *De oratore* (2.189–196; 3.25–37, 198; cf. LPW: 149–150), but these are of little importance.

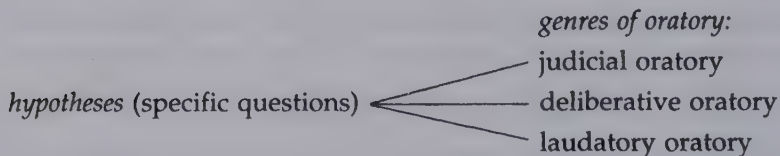
³⁴See LP I: 209–211, with references.

³⁵See LP II: 284–288; and *Rhetoric for Herennius* 1.3 (with Caplan's note), where imitation has replaced nature.

proper usually began with a division of the rhetorical material into general and specific questions (*theses*, *hypotheses*); the former were then left aside (above p. 25), the latter, which constituted the properly rhetorical material, were subdivided further.

DIAGRAM 1: Basic classifications

theses (general questions)



The first subdivision of *hypotheses* was usually that into the three standard genres of oratory: judicial (i.e., the oratory of lawsuits), deliberative (i.e., the oratory of [political] deliberation), and laudatory (i.e., the oratory of praise, plus its opposite, blame). Standard rhetoric traditionally focused on the judicial genre. Cicero does the same (see the synopsis of Book 2), and offers an extensive and interesting defense of this approach (2.43–73), in which he even rejects the notion of identifying a third genre. There is, however, some slippage, in that he sometimes seems to stress only the judicial genre, at other times the first two genres together. This is not surprising, since the latter correspond to the two central activities “in the forum,” i.e., in public life (above § 1.1).

The third genre, which traditionally received least attention, was and is often called by the Greek name, “epideictic” (or, after the Latin, “demonstrative”). This, however, is confusing, since the term is also often used for the very broad “genre” of nearly everything that is not covered by the first two, a genre supposed to include especially speeches of rebuke, exhortation, and consolation (cf. 2.50), and sometimes even historiography. *De oratore* shows no signs of this classification, and we may safely ignore it here.

7.2 THE BASIC SYSTEMS, AND CICERO’S CHOICE³⁶

Parts of a Speech. The earliest systems, devised in the fifth century BC by sophists, focused on the form of a typical speech, prescribing a division into a number of different parts. Rules were then given for each part. The set of

³⁶The classic treatment of the history of the rhetorical systems is Solmsen 1941; cf. idem 1938. An account focusing on the relationship between invention and arrangement, which builds on Solmsen, can be found in Wisse 1989: 77–93, where, however, it is too easily assumed that Aristotle himself thought in terms of a sequence of “activities” (cf. below pp. 30–31).

parts that became standard was determined by the traditional focus on judicial speeches. Small variations were numerous, but four parts recur in all variants, while two are often added: see Diagram 2.

DIAGRAM 2: Rules for the standard parts of a speech

[in brackets: parts often but not always added]

prologue: make the audience well disposed, attentive, and receptive
(*benevolos, attentos, dociles facere*)

narration: (account of what [allegedly] happened): must be brief, clear, and plausible (*brevis, dilucida, veri similis*)

[*division*: announcement of the points one intends to treat, very often combined with a statement of the proposition one is going to defend]

argumentation, usually treated as consisting of two separate parts:

—proof of one's own points

—refutation of the opponent's arguments

[*digression*: regularly recommended for this place in the speech]

epilogue, often with two elements: summing up and arousing the emotions of the audience

This system survived into late antiquity in this simple form, but was also combined with the system based on what we will here call the "activities of the orator" (below). Cicero has Crassus report the rules for the parts as an ingredient of the standard system (1.143), and makes Antonius ridicule them as rigid (2.80–83). In 2.315–332 he offers more criticisms, as well as his own modified version.

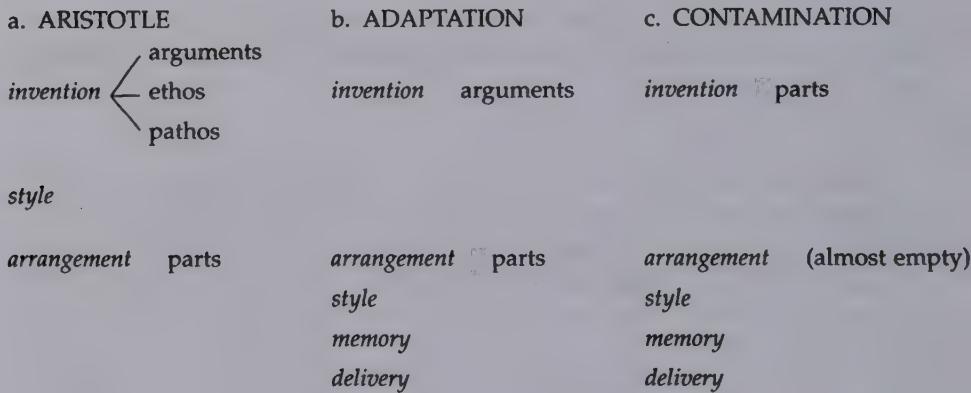
Activities of the Orator. The alternative approach was to focus not on a standard speech but on the "activities of the orator," the stages through which the orator went in composing and delivering a speech.³⁷ The classic set consists of five such activities: *invention* (thinking out the material), *arrangement* (ordering it), *style* (putting the ordered material into words), *memory* (memorizing the speech), and *delivery*. The treatment of some of these activities, however, varied considerably over the course of time. Particularly the relationship between invention and arrangement is complex, and since it is es-

³⁷These stages were, and are, often called "parts of rhetoric." This terminology, however, stresses the role of rhetoric as an "art," which is better avoided when describing Cicero's approach. As remarked above (p. 10), he viewed these stages as activities that the orator had to perform; hence our use of the (fairly uncommon) term "activities of the orator." (For the same reason, they were called *officia oratoris* or "tasks of an orator" in Wisse 1989; this, however, might confuse, in view of Cicero's later use of this term for the well-known triad *docere-delectare-movere*, "to teach, to please, to move.")

pecially here that Cicero departed from the handbooks of his time, this deserves further explanation. Three main variants can be discerned.

1. Aristotle (384–322 BC) rejected the rigidity of the system of the parts (as Cicero later did), and put the subject on a new footing by concentrating on underlying principles. Roughly speaking, the basic structure of his *Rhetoric* corresponds to three of the later five “activities of the orator”: invention, arrangement, and style (cf. Diagram 3a). First (*Rhetoric* books 1 and 2), he treats the actual “means of persuasion” (*pisteis*). He divides them into three categories: rational argumentation (often called “logos”), persuasion through character (“ethos”), and playing upon the feelings of the audience (“pathos”) (for details see § 7.3). The treatment of arrangement (3.13–19) is mainly based on the old system of parts of the speech. Unlike in the later tradition, the discussion of style precedes that of arrangement (3.1–12).

DIAGRAM 3: “Activities of the orator” (before Cicero)



Theophrastus, Aristotle’s pupil and successor as head of the Peripatetic school, added delivery to the three activities found in Aristotle (below p. 37). We cannot date the subsequent addition of memory, which completed the traditional set of five activities (Diagram 3, b and c), but Hermagoras (ca. 150 BC) certainly included it.

It should be emphasized that this brief account simplifies matters in the extreme. The material for reconstructing the history of rhetoric between Aristotle and the early first century BC is very scanty. Moreover, the interpretation of Aristotle’s *Rhetoric* itself is often uncertain, partly because it was not, in this form, meant for publication. Also, the enormous influence of the *Rhetoric* was not direct, since it was seldom read. The point most relevant here is that there are no indications that Aristotle thought of his three categories as three activities, to be performed in sequence. But the correspondence between the structure of his discussion and the later “activities” is too striking to be coincidental, and we need not doubt that the principle of the activities ultimately goes back to him. It may, e.g., have been Theophrastus

who transformed his material into a series of sequential activities. If so, he must have thought of arrangement (which was built around the traditional parts) as the activity of distributing all the means of persuasion discovered under invention over the several parts of the speech.

2. Aristotle's systematic approach of examining all means of persuasion together (arguments, ethos, pathos) was subsequently abandoned, and invention came to be restricted to the invention of arguments: see Diagram 3b. No handbook of this type, in which the parts of the speech still belonged under arrangement, has actually come down to us. Cicero's Crassus in 1.138–145, however, seems to describe the rules he was taught when he was young in these terms. Also, it is very probable that the system of Hermagoras, who revolutionized the theory of the invention of arguments, was like this (though his set of activities was somewhat idiosyncratic).³⁸

3. The strength of the tradition of the parts of the speech led to a further change (see Diagram 3c): in many, probably even most handbooks, the discussion of invention came to be based on the parts; this left the activity of arrangement almost empty. This is actually the structure of all extant handbooks that are organized according to the activities, such as *Rhetoric for Herennius* and Cicero's youthful *On Invention*. This structure is basically a contamination of the two principles of the parts and the activities. For instead of first discovering the material (invention) and then ordering it according to the parts (arrangement), someone following this scheme will already have a fixed order before him. Some allowance was sometimes made for the possibility of deviating from this order (e.g., *On Invention* 1.30), but the structure of the system encouraged piecemeal composition. Given the restriction of invention to the arguments (above at (2)), another consequence of this structure is that in such handbooks one part, argumentation, received much more attention than the others (disproportionately so, according to Cicero: see 2.331 with note 322).

Of variants (2) and (3), the former must have disappeared shortly after Cicero. But since he (probably) refers to it in *De oratore* (above), it must have been in existence in Cicero's time, as were variant (3) and the system based solely on the parts of the speech. Matters were still more complicated, in that invention and arrangement often contained some other elements, which could be differently distributed.³⁹ Such complications, however, are mostly irrelevant to *De oratore*.

Considering this background, Cicero's choice in *De oratore* is remarkable. Instead of adopting one of the systems current at his time, he returned to Aristotle's systematic approach; he is, in fact, the only extant author to do so. One of his main reasons for this choice must have been Aristotle's recognition of the importance of character (ethos) and of the arousal of the audi-

³⁸On 1.138–145, see notes 102 and 103 at 1.143. On Hermagoras cf. Matthes 1958: 109, 116–121, 190–191 (treatment of the parts not, as in *On Invention* and *Rhetoric for Herennius*, under invention).

³⁹Matthes 1958: 113–120; a summary in Wisse 1989: 87.

ence's emotions (pathos) alongside that of arguments (cf. pp. 34–35). Both these nonargumentative means of persuasion were, in the common handbooks, treated under certain parts of the speech: the prologue was supposed (among other things) to make the audience well disposed (cf. ethos), the epilogue to arouse their feelings (pathos). Likewise, arguments were often (viz., in the system of Diagram 3c) exclusively treated under the part "argumentation." By adopting Aristotle's approach, Cicero rejects these piecemeal rules and takes seriously the principle of the activities as a systematic sequence in the composition of a speech. He repeatedly and polemically insists on first discovering all available material, of all three kinds, before distributing it according to the parts (2.82–83, 179–181, 315). Only thus can a speech become one consistent whole, directed at the persuasion of the audience (above p. 10).

7.3 THE INDIVIDUAL ACTIVITIES

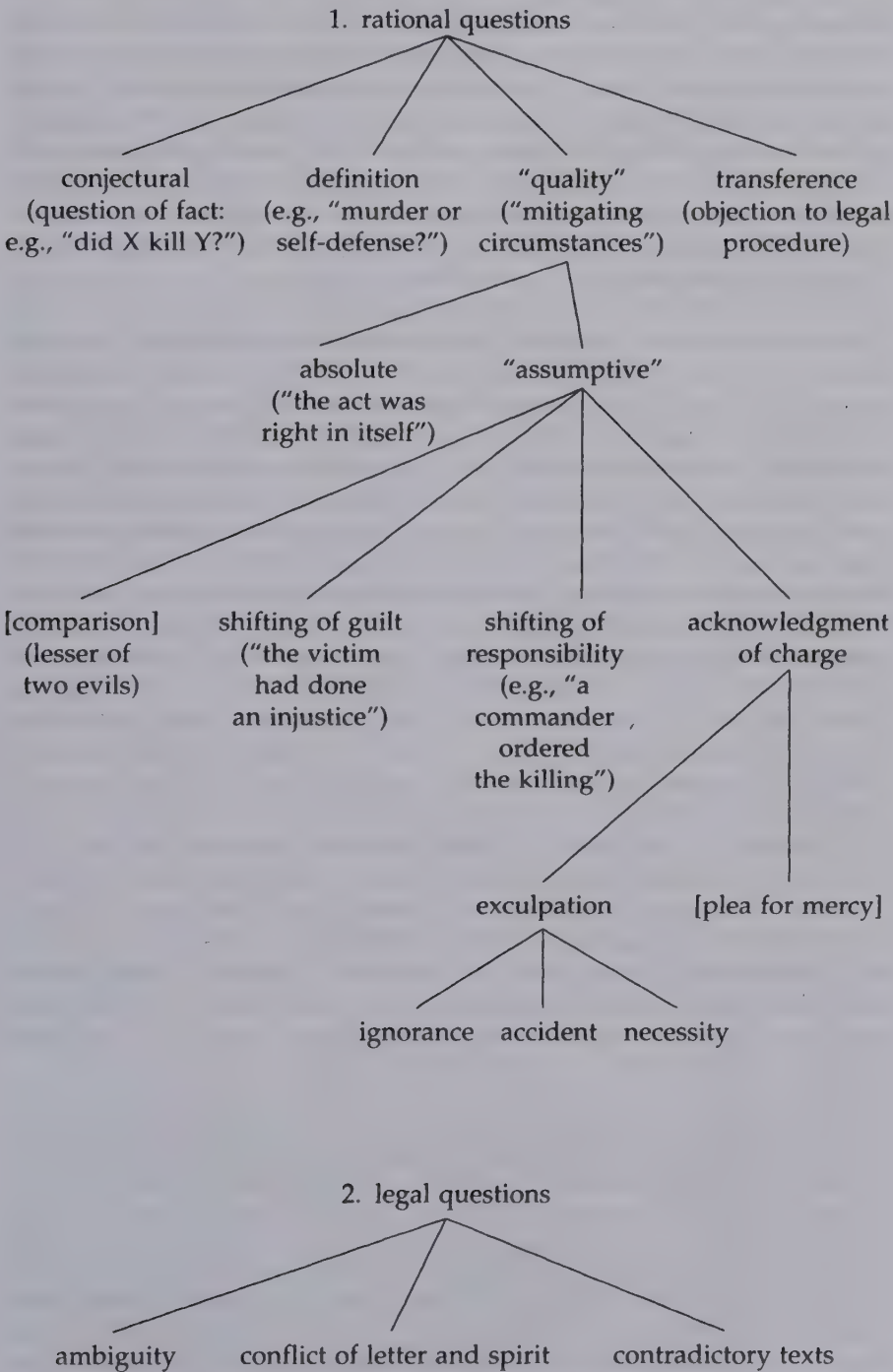
Invention. The treatment of invention was revolutionized in the second century BC by the introduction of the so-called status theory by Hermagoras, whose own work unfortunately has not survived.⁴⁰ This theory soon became one of the staples of standard rhetoric; it dominates the accounts of invention in the two extant handbooks from the early first century BC, Cicero's *On Invention* and the anonymous *Rhetoric for Herennius*. It concerned the question at issue in a speech, and amounted to an elaborate classification of all possibilities; the emphasis was on judicial cases, and on the stance of the defense. The first division (see Diagram 4) was that into "rational" and "legal" questions. The latter were those depending on the interpretation of written texts such as laws and wills. More attention, however, was paid to the categorization of the rational questions. There were four main subcategories ("status"), representing successively weaker lines of defense: the so-called *conjectural* status, in which the issue is one of fact (the defense denies the charge, e.g., "X did not kill Y"), and the status of *definition* (e.g., "X killed Y, but it was not murder but self-defense" [not, by the way, an ancient *legal* distinction]), of *quality* (e.g., "X killed Y, but Y's death was beneficial to the state"—there were many possibilities, reflected in separate sub-subcategories), and of *transference* (procedural objections).⁴¹ For determining to what category "the point of decision" (*iudicatio*) of the case in hand belonged, the handbooks prescribed a procedure of successive elimination (described in 2.132). The finding of arguments was then a matter of going through the lists of stock arguments for the relevant category that were provided by the handbooks.

⁴⁰Modern reconstructions of Hermagoras' doctrines all start from Matthes 1958. Cf. also the discussion in Kennedy 1963: 303–321; 1994: 97–101; and the convenient chart of the (slightly different) system of the *Rhetoric for Herennius* in Caplan 1954: xlvii.

⁴¹Objections of procedure (e.g., against the competence of the court) are important in modern law, but were considered weak, as being based only on formalities. In Roman legal procedure, moreover, such questions were decided in the preliminary stages of a trial.

DIAGRAM 4: Status theory (in a common version)

[categories in square brackets do not occur in *De oratore*]



The most conspicuous difference between the standard doctrine and its echoes in *De oratore* is Cicero's avoidance of technicalities. When he treats status classifications he never mentions the standard sub-subcategories, and some categories are missing or are (apparently) subsumed under general descriptions (cf. 2.110–112 with note 81; 3.70 with note 88). Only once does he discuss a detailed classification (3.111–118), but even then he makes it clear that to his mind such theories were useful for providing guidelines, but that the differences between the many existing variants were basically immaterial and unhelpful (3.119). In accordance with his view that there was no essential difference between general and specific questions (*theses* and *hypotheses*)—an important argument for his view that the orator can handle philosophical questions (p. 26)—he insists that status-like classifications should cover both (2.104 with note 75; 3.111–118).

As to the invention of arguments, Cicero, through Antonius, repeatedly rejects the practice of providing lists of standard arguments ("commonplaces" or "topics") for each status (2.114–177). This, he says, deprives the orator of the flexibility needed for dealing with each case on its own merits. His alternative, which ultimately goes back to Aristotle, is to offer "commonplaces" of a different kind: abstract argument patterns, which help the orator to devise all his arguments himself. Cicero's text provides elaborate clarification and justification of the principle, and each abstract commonplace is provided with an example (2.163–173). He obviously anticipated that his contemporary readers would have difficulties understanding the matter. The Aristotelian notion of abstract commonplaces was indeed unknown in the rhetorical theory of Cicero's day (cf. Cicero's *Topica*, 1–3). Abstract argument patterns had another advantage, besides providing the orator with a flexible approach to his usual cases (the *hypotheses*): not being tied to specific subject matter, they are just as suited for handling general questions (*theses*). By mastering them, the orator can therefore handle both types of questions (cf. p. 26).

On a par with arguments, Cicero's treatment of invention is concerned with "ethos," the image of the speaker (and his *client and opponents), and "pathos," playing upon the feelings of the audience (Cicero himself actually avoids the terms "ethos" and "pathos"). Although this integrated approach to the persuasion process, in which invention covers all the elements that may influence the audience, was derived from Aristotle (cf. § 7.2), Cicero's concepts of ethos and pathos are slightly different from his.⁴² Aristotle's

⁴²For the following analysis cf. Wisse 1989: 32–34; 236–248. It was developed independently by Fortenbaugh 1988 [1989], who, however, assumes that the difference is due to Cicero's "misunderstanding" Aristotle. Aristotle's treatment of ethos is found in *Rhetoric* 2.1.5–7 (1378a6–20), that of pathos in 2.1.8–2.11.7 (1378a20–1380b30). Whatever the exact function of his chapters 2.12–17, they are not directly about "ethos" (giving the audience an image of the speaker's character), but about the different kinds of human character in general (cf. Wisse 1989: 36–41); confusion often arises because the Greek word *ēthos* (ἦθος) means "character," while the modern term "ethos" is usually restricted to the means of persuasion consisting in a *positive* portrayal of the speaker's character.

"ethos" is "rational": it has nothing to do with emotions, but concerns the audience's nonemotional evaluation of the reliability of the speaker, with the aim of evaluating the reliability of what he says. All emotions of the audience, mild as well as violent, he subsumes under "pathos." Cicero's "ethos" (2.182–184), on the other hand, is concerned with (an image of) the whole of the speaker's character, and with making the audience feel goodwill toward him. It therefore includes the arousal of certain mild emotions. Accordingly, Cicero's concept of pathos (2.185–211) is restricted to the arousal of violent emotions in the audience. We cannot know the reason for Cicero's departure from Aristotle, and he may or may not have been aware of it.

However that may be, it is his own variant of ethos (with regard to both himself as speaker and his clients) that we can see him using to great effect in almost all of his speeches.⁴³ Cicero's own use of pathos is well known, and he was an acknowledged master of it in his time. His emphasis on ethos and pathos therefore reflects both his theoretical and his practical concerns.

Arrangement. In *De oratore*, the parts of the speech are discussed under this heading; as reported above (p. 31), some handbooks in Cicero's time did the same, but the majority did not (see Diagram 3, b and c). In the latter type of handbook, the little that remained for this activity (cf. *Rhetoric for Herennius* 3.16–18) were a few precepts about the arrangement of the parts themselves and about the effective positioning of the arguments. Both these elements are found at the beginning of Antonius' treatment of arrangement (2.307–315), though in adapted form (cf. 2.314, note 302). His subsequent discussion of the parts of the speech (2.315–332) partly reproduces the standard rules given in Diagram 2, but partly criticizes them severely. (More details in the notes on the passage.)

*Style.*⁴⁴ In Cicero's time, two principles for organizing the discussion of style existed. The first was that of distinguishing three or more acceptable stylistic "types" or "characters." The first datable attestation of this method is found in *Rhetoric for Herennius* 4.11–16, which discusses the plain, middle, and grand styles (and the three defective styles that correspond to these—the meager, the slack, and the swollen). In his later *Orator*, Cicero would use this same triad, connecting it with a modified version of the triad arguments, ethos, and pathos.⁴⁵ In *De oratore*, however, it is mentioned only in passing (3.177, 199, 212).

In *De oratore*, Cicero employs the alternative principle of the qualities of style (sometimes called "virtues" of style). The principle goes back to Theophrastus, who gave systematic form to ideas found in the third book of Aristotle's *Rhetoric*. It involves the enumeration of qualities necessary for

⁴³See May 1988. For the importance of the opposition between speaker and client in Roman as opposed to Greek oratory cf. Kennedy 1968; and for Ciceronian practice in this respect cf. May 1981, 1988.

⁴⁴See Solmsen 1941: 43–44, 181–186; Innes 1985.

⁴⁵Cf. Douglas 1957, and for the modification Wisse 1989: 212–220.

every speech (or piece of prose); the number of such qualities in Theophrastus' system was four, viz., correct use of Greek, clarity, appropriateness, and "distinction" (cf. Diagram 5; Cicero uses a different order). The concept of the qualities was influential, though the actual qualities employed as well as their number varied greatly (cf. *Rhetoric for Herennius* 4.17–69). In *De oratore*, Cicero goes back to Theophrastus' four qualities (cf. 3.37), without, however, polemicizing against other systems, and without explicitly saying that Theophrastus was his model. He does, however, indicate his closeness to Theophrastus at other points (see 1.43; 3.148 with note 183; cf. *Orator* 79). His change of the order of the last two qualities (appropriateness coming fourth, not third) has been variously explained, but is hardly essential.⁴⁶

**DIAGRAM 5: The "qualities of style" in *De oratore*
(after Theophrastus)**

1. correct use of the language (good Latin/Greek)
2. clarity
3. distinction:
 - choice of (individual) words
 - connection of words • juxtaposition
 - "cadence and form"
 - figures
4. appropriateness

The quality that received most attention in the rhetorical tradition was "distinction" (on this translation of the Latin *ornatus*, see Glossary). Cicero divides this into three subcategories (Diagram 5). Some versions of standard rhetoric apparently used the same three (cf. 3.93), but their content in Cicero is essentially different in at least two points. In the first place, the "connection of words" usually included, next to correct juxtaposition (the avoidance of so-called hiatus and "harsh" clashes between words), the construction of periodic sentences; Cicero, under his subcategory of "cadence and form," discusses not only this, but also the subject of prose rhythm, which was not found in standard treatments (3.188) but had been discussed by Aristotle and Theophrastus (see 3.148 with note 183; Cicero returned to the subject in his *Orator*, 168–236). Second, by Cicero's time the section on the figures of style had become more and more crowded with new figures, described in minute technical detail (cf. *Rhetoric for Herennius* 4.18–69). This was obviously not an approach much to Cicero's taste. His own section on the figures (3.202–207) is a parody of such dry and technical lists (see note 279 at 3.202).

⁴⁶On this last point, cf. briefly Innes 1985: 265 note 32, and LP IV: 179–180. For the relevant material about Theophrastus cf. fragments 681–704 FHS&G.

*Memory.*⁴⁷ Memorizing one's speech was added last to the list of the activities of the orator, and this is probably why its position in the list is less fixed than that of the others. We mention it fourth here, since that was its most usual place (Diagram 3; cf. 1.142). Cicero has Antonius discuss it at the end of the second book, thus placing it third, after arrangement but before style. One of his reasons must have been that this avoids the suggestion that one should memorize not only the content and structure of one's speech, but also the exact words (cf. 2.359). Also, the subject fits Antonius better than Crassus, since the former was known for his excellent memory (*Brutus* 139). Finally, the composition of the important third book is thus more balanced (cf., on the level of the dialogue, 2.350, 364–367).

For the memorization of a speech (or anything else), an elaborate system had been developed, of which Antonius' discussion provides no clear description; rather, Cicero makes him comment on what was obviously familiar to his readers. The two central concepts were localities and images. One began by choosing a familiar place with a continuous series of fixed localities, e.g., a street with houses, porticoes, etc.; or a house, with corners and niches in the successive rooms. When wanting to remember a series of facts or elements of a speech, one represented each of these by means of a mental image; e.g., the idea of ship-building could be represented by an anchor. These images were then mentally "located" in the localities. When reproducing the series, one "passed by" all the localities in sequence, thus "seeing" all the images.

At first sight, this system may seem cumbersome. The fascinating modern case study by Luria, however, shows that some people with a naturally prodigious memory use exactly this kind of approach.⁴⁸ The great feats of memory reported in antiquity, moreover, even though some of them were no doubt exaggerated, were all said to be based on it. It must also be remembered that a good memory was much more valued in antiquity than it is now, because of the limited possibilities for storage and retrieval of information, and because books were generally expensive, and not indexed. Though many had reservations about remembering words in this way, the use of the system for memorizing content was far less controversial (cf. 2.359), and the effectiveness of the system in general need not be doubted.

*Delivery.*⁴⁹ As mentioned above (p. 30), this activity was added by Theophrastus. Three (sometimes four) elements were distinguished: movement or gesture (sometimes movement of the body and gesture separately), facial expression, and voice. In technical discussions (e.g., *Rhetoric for Herennius*

⁴⁷The standard treatment of the mnemonic systems in antiquity is Blum 1969; see also Kennedy 1972: 123–126; LP IV: 66–68. Yates 1966 discusses the interesting developments in the Middle Ages and the Renaissance.

⁴⁸Luria 1968; see especially 29–61.

⁴⁹See Solmsen 1941: 47; Caplan 1954: lii–liii, 188–191 notes; Kennedy 1963: 282–284; Fortenbaugh 1985: especially 271–275.

3.19–27, and probably starting with Theophrastus), these three were often presented as the result of two divisions: the subject was first divided into voice and “movement,” and then the latter was subdivided into gesture and facial expression. Not surprisingly, Cicero shows no signs of such subdivisions; he treats voice, gesture, and face on the same level (3.216–223). In fact, his discussion, though perhaps echoing Theophrastean elements, is in general nontechnical. It will be noticed that Cicero puts considerable stress on the correspondence between delivery and the emotions of the speaker, thus tying the whole subject closely to his account of invention, with its emphasis on pathos as an important means of persuasion.

8. BACKGROUND III: CICERO'S “SOURCES”

In the not-too-distant past, it would have been unthinkable for the question of Cicero's “sources” to be discussed in a relatively brief section such as this. The approach known as “source criticism” (*Quellenforschung*) reigned supreme in Ciceronian studies during the last half of the nineteenth and the beginning of the twentieth century, and its influence is still strongly felt in some circles. It is, of course, legitimate to ask what Cicero's sources were. But the old approach was characterized, broadly speaking, not just by an extreme confidence in what today should count as very speculative methods, but also by the belief in the superiority of virtually all Greek over all Roman authors. Scholars often simply assumed, even if there was no evidence to suggest it, that Cicero slavishly copied Greek sources, and the reconstruction of these sources was often their main goal.⁵⁰

Cicero's main thesis in *De oratore*, that the orator needs philosophical knowledge, was usually taken to reflect the ideas of some Academic philosopher: Philo of Larissa, his pupil Antiochus of Ascalon, or Charmadas. Less prejudiced research, we believe, shows that Cicero was reacting to, rather than copying, views of Academic philosophers (see p. 22 note 27). Accordingly, in sections 6 and 7, we have described them and their ideas as “background,” not as “sources.” There is one element that he certainly drew from elsewhere, viz., the division of *theses* in 3.111–118; but in this case he is quite explicit about this (3.114 with note 142; 116–117). Even Cicero's account of the history of the philosophical schools in 3.61–68, which does reproduce the contemporary scheme of the so-called Successions (see the diagram on p. 243), seems to offer an idiosyncratic version.⁵¹ Nor is there any sign that he copied an existing account for his sketch of the unity of eloquence and wisdom in early Greek times (3.56–59); here, his “sources of information” were probably diverse (LPW: 213–219).

⁵⁰This is hardly an exaggeration: cf. the reasoning in such an outstanding book as von Arnim 1898: 98–105; and, e.g., Barwick 1963: 43. On the question of *Quellenforschung* cf. Harder 1960; Douglas 1973: 99–101.

⁵¹See 3.62 note 76; and LPW: 220–223.

The technical rhetorical doctrines of Cicero's own time were so well known and widespread that in this area, the notion of "sources" is useless. In some of his modifications, however, he drew inspiration and ideas from early authors, notably Aristotle and Theophrastus. As pointed out above (§ 7.2–3), his approach to invention and arrangement is essentially Aristotelian; his discussion of style is Theophrastean in structure, and its content is partly indebted to both; and the sections on delivery may owe something to Theophrastus too. While the influence of these two Peripatetics had been considerable shortly after their own time and had left its permanent mark on standard rhetoric, the above-mentioned ideas adopted by Cicero had, for the most part, been forgotten by the first century BC. It might perhaps have been natural for scholarship inspired by the principles of source criticism to jump at this occasion, and to conclude that one of Cicero's sources was Aristotle's *Rhetoric*. This conclusion, however, was rejected on the grounds that in that case, Cicero should have carefully copied this source, instead of so often departing from it. This sort of argument is at the basis of many of the claims in the secondary literature that Cicero consulted secondhand sources, not older originals such as Aristotle. Naturally, however, divergence may be based on choice rather than ignorance, and it is not improbable (but cannot be considered certain) that he actually read Aristotle in the original (his knowledge of Theophrastus is hardly in doubt). In a letter from 54 BC, he says that the three books of *De oratore* "are radically different from the standard rules, embracing the whole theory of oratory of the ancients, both Aristotelian and Isocratean" (*Letters to Friends* 1.9.23). And in a letter to Atticus of April 55 BC, he writes that he is enjoying the library of Faustus Sulla (the dictator's son), which we know may have contained Aristotle's works; in this same letter, he mentions Aristotle (*Letters to Atticus* 4.10.1–2). In *De oratore* itself, Cicero, speaking through Antonius, virtually claims to have read the *Rhetoric* (2.160).⁵²

Cicero, then, had "sources" of many kinds, from which he drew information as well as inspiration. But the assumption that a Greek source is lurking behind every interesting idea is not only absurd, it can sometimes even be disproved. *De oratore* is in many ways rooted in the discussions of its own time, and therefore shows many correspondences with contemporary thought; on the other hand, Cicero was perfectly capable of tapping other sources when he thought fit. The transformation of all this material into a coherent whole, however, is his own.

⁵²On Cicero's knowledge of the *Rhetoric* cf. Wisse 1989: 105–189; on the common use of divergence to prove that he had not consulted a certain work, *ibid.* 106–110. The matter is complicated by the fact that Cicero wrongly thought that not only the principle, but also the actual system of the commonplaces offered in Book 2 (and in his own *Topica*) was Aristotelian, and that it occurred both in Aristotle's *Topica* and in his *Rhetoric* (cf. 2.152, 160); in the end, however, this problem has no bearing on the question of Cicero's knowledge of the *Rhetoric* (Wisse 1989: 133–145). A recent rejection of the possibility of direct knowledge is Fortenbaugh 1989, but he offers few arguments, and betrays some of the prejudices of traditional "source criticism."

9. THIS TRANSLATION

As the great differences between translations of the same text illustrate, translating is a far from automatic process. A brief explanation of the approach we have chosen is therefore in order. In discussions of principles of translation, the view is still commonly held that a translation always involves a choice between two conflicting aims—that, on the one hand, one should aim at being “literal” and “accurate,” but that on the other, there is the legitimate demand of readability, which forces the translator to take “liberties.” It is supposed that each translation is a compromise that can roughly be located on a scale between the extremes of “literal but unreadable” and “readable but inaccurate.”⁵³ To our minds, this set of concepts is a trap and we have tried to avoid it. Very often, our translation is not literal precisely because we have tried to be accurate.

The point may need more extensive justification than we can give here, but it is perhaps most easily illustrated by looking at a simple example involving word order. “Literally” following the Latin order in *De oratore* 2.28 would yield, “Then all, their eyes toward Antonius turned” (*tum omnes oculos in Antonium coniecerunt*). That is a perfectly comprehensible English sentence, but it is also a fairly odd one, suggesting, at best, that Cicero here chose a poetic expression. In Latin, however, this order is a straightforward and natural way of saying that the company turned their eyes toward Antonius. So this translation gives the false impression that Cicero is employing artificial language here; and since artificiality of language is just as much a feature of a text as its content, this rendering may be “literal,” but it is far from accurate. A version such as, “Then, all turned their eyes toward Antonius” would be more accurate. In fact, it seemed to us more natural to use, “Then all eyes were turned toward Antonius”—and if this is indeed more natural, it is, for that very reason, also a more accurate translation of the natural Latin original.

There are of course few who would argue for keeping to the Latin word order, even among those who prefer “reliability” and “accuracy” to “readability”; Edwin and Willa Muir were exceptional in holding that to change word order, even if it seems unavoidable, is to “commit an irremediable injury.”⁵⁴ Our point, however, is to insist that changing the word order is not a “liberty,” taken for the sake of “readability” while removing us from the original, but a necessity if one aims at being accurate and at approaching the original as closely as possible. Cicero’s text was written in Latin, and the

⁵³The picture given here is meant merely to represent, perhaps with some exaggeration, the thinking of many classicists as well as of many others on the subject; the essay by Grant (1987), though attractive and more sensitive to many of the essential issues than most, is representative of the use of the concepts that we reject here.

⁵⁴Their view is reported by Grant 1987: 89; it may have chiefly concerned translating from the German, but that makes little difference to the principle. There are, in fact, a few scholars who hold the same opinion about Latin.

Latin rules governing word order are simply different from the English ones. In English, word order is primarily a matter of syntax, whereas in Latin, it is to a very high degree governed by so-called pragmatic rules, i.e., by “rules” about which part of a sentence is emphasized and which is not.⁵⁵ Reproducing the Latin word order in English cannot, therefore, fail to distort.

Similar considerations could be formulated for most other elements of Latin. In general, the huge difference between the grammatical systems of Latin and English implies that “literal,” word-for-word translations are not just unreadable, but gravely misleading.⁵⁶

Another problem is presented by the fact that *De oratore*, while being an argumentative text, is also, and often at the same time, a literary one. The issue of style is particularly pressing. Some passages are quite colloquial, while others are heavy and stylistically complex. Modern English allows for less variation in style than Cicero’s Latin, but to smooth out the differences too much would mean often to rob the reader of a means to judge the tone and import of a passage. Accordingly, our English version of the first prologue (1.1–23), for instance, is somewhat unnaturally heavy, while some passages are (we hope) very straightforward. In a similar vein, we have emphatically refrained from “improving” on Cicero, since that would in fact, in most cases, have ruined his meaning. When he or his interlocutors are dull or clumsy, they are usually so for a purpose—see, e.g., Antonius’ involved language in his description of Stoic dialectic (2.158), the repetitive style of Crassus’ accounts of (part of) standard rhetoric (1.138–145; 3.70), and the extremely dull list of the figures of style (3.202–207).⁵⁷

In short, we have tried, as much as the cultural and linguistic gaps that separate us from Cicero allow, to convey to the reader of our English ver-

⁵⁵This is, of course, a (deliberately) crude and untechnical way of putting it. It must be added that research along these lines is of a fairly recent date, and much is still to be clarified. For an overview, see Pinkster 1990: 163–188.

⁵⁶An interesting and, for *De oratore*, important illustration is found in the method of constructing arguments. Though Latin and English share some ways of doing this, there are also noteworthy differences. Latin, e.g., often uses verbal echoes to indicate connections that must be rendered by other means in English; keeping too closely to the Latin will obscure many such argumentative connections (as often happens in the translation by Sutton and Rackham), while aiming at readability frequently involves the mere replacement of echoes by variations, which simply destroys the argumentative function of the echoes (as often happens in Grant’s deceptively “readable” version of Book 1).

⁵⁷Cicero’s quotations of older Latin poets (particularly frequent in 3.217–219) present an almost insoluble problem. We have attempted to indicate their old, poetic flavor by the use of rhythmical translations, as far as content and other considerations allowed it. Another difficulty is posed by the many verbal echoes, i.e., by Cicero’s technique of using the same words in different passages in order to tie these passages together for the reader (often on a subconscious level). Though it considerably restricted our choices, we have most often tried to retain such echoes, as far as they seemed significant, and again as far as other considerations allowed it.

sion something of the effect that Cicero's text may have had on a contemporary reader. We no doubt failed miserably in many cases, but even where we did not, we were often forced to compromise—if not between accuracy and readability, then at least between accuracy one way or the other. As Michael Grant emphasized, "something always has to go."⁵⁸ Even the ideal translation could never replace the original.

10. THE TEXT

The standard edition of *De oratore* is that in the Teubner series, by Kumaniecki, dating from 1969. Though recent research shows that it needs replacement,⁵⁹ it is still the best available text. Many readers wishing to use our translation in conjunction with a Latin text will no doubt go to other editions, such as Wilkins' widely accessible Oxford text of 1902. This should cause no great problems (though we have noted that in practice readers may be misled in a few instances).

We have chosen fairly frequently to depart from Kumaniecki's readings, often because of arguments provided in the commentary by Leeman, Pinkster, and others (LP), sometimes for other reasons. Our Appendix C offers a list of all those instances where we disagree with either Kumaniecki or LP or both, as far as such disagreements affect the interpretation or the translation of Cicero's text. The list presupposes some limited knowledge of the manuscript tradition of *De oratore*, and for this reason a rudimentary sketch of this has been added there.

11. SYNOPSIS OF THE WORK

The following pages offer a synopsis of the work, to which the headings in the translation are keyed. Headings and synopsis do not exactly correspond, however, since we have tried to keep the number of headings (and thus, artificial breaks) in the text reasonably low, while the synopsis aims at providing a clear overview of the work as a whole. The synopsis therefore gives more details, and, through its layout, a more explicit account of the structure of each of the three books. For a few particularly difficult passages (e.g., 1.45–73), we have added what is virtually a paraphrase of the argument.

⁵⁸Grant 1987: 88, and elsewhere.

⁵⁹This research, by Renting, is still largely unpublished. See Renting 1996; he also provided the partial list of corrections and additions to Kumaniecki's (highly inaccurate) critical apparatus given in LP IV (pp. xiii–xvi). All further corrections to Kumaniecki's apparatus given in our Appendix C are also due to his scholarship and kindness.

Horizontal lines indicate incisions that are signalled by Cicero either by an explicit transition to a new subject (see, e.g., the beginning of Antonius' treatment of arrangement in 2.307) or by the insertion of a brief conversation between some of the interlocutors (e.g., at 1.96–113a; Catulus' brief intervention in 2.74–76 fulfills a similar function).

References such as "113a" and "113b" indicate the first and second half of the section in question.

BOOK 1

1.1–23 Prologue

1–5 Cicero's personal situation and reasons for writing *De oratore*

6–20 The difficulty of oratory, and the exacting requirements for the ideal orator

21–23 The work; Cicero will rely on the authority of the greatest of Roman orators

1.24–29 Setting of the dialogue, with introduction of the interlocutors of the first day (Crassus, Antonius, Scaevola, Cotta, and Sulpicius)

1.30–34 Crassus extols eloquence: its powers, and its role in politics and the courts, in conversation, and in the development of human culture

1.35–44 Scaevola's objections

35–40 In politics and in the development of culture, the role of eloquence has been restricted or even harmful

41–44 The orator has no competence to express himself in discussions of all sorts; the requisite knowledge belongs to the philosophers

1.45–73 Crassus' reply

45–47 Crassus' visit to Athens, where he heard philosophers use the same arguments as Scaevola

48–57 The orator needs much knowledge, no matter which of the two interpretations of his task is preferred: (48a) If his function is restricted to law courts and politics, he must know the most important matters; (48b–51) and if it is "speaking well," then he must fully understand the subjects of the philosophers. (52–57) Law courts and politics are indeed his most special fields, but even there he needs philosophical knowledge, while the rhetorical rules are quite insufficient

58–73 Restatement of this position from several perspectives: (58–64) The perfect orator can speak better about any subject than the specialists. (65–70) That is true even if one restricts the proper field of the orator to judicial and political cases. (71–73) The true orator knows all the noble arts

1.74–79 Conclusion of the debate between Crassus and Scaevola

74–77 Scaevola: your high conception of the orator is unrealistic

78–79 Crassus: I am talking about an ideal

1.80–95 Antonius' reaction

80–81 Crassus' ideal may go too far

82–92 Antonius, when visiting Athens, heard a debate similar to that heard by Crassus, between the Stoic Mnesarchus, the Academic philosopher Charmadas, and the Athenian orator Menedemus; Charmadas attacked the rhetoricians with a number of arguments

93–95 Antonius' own "little book" reflects his agreement with Charmadas at that time

1.96–113a Interlude

96–101 Cotta, Sulpicius, and Scaevola ask Crassus to go on

102–113a The question whether there is an "art" of speaking is dismissed as unimportant

1.113b–133 Crassus (and others) on natural ability

113b–121 Crassus on the importance of natural ability for the really good orator

122–133 (Antonius, Crassus, Sulpicius) The high demands on the orator

1.134–146 Crassus on art: the standard rhetorical rules**1.147–159 Crassus on training**

147–148 Introduction

149–153 Careful training; the importance of writing

154–155 Imitation of Latin and Greek models

156–157 Training delivery and memory

158–159 But wide-ranging knowledge is also very important

1.160–165 Interlude: Cotta and Scaevola ask Crassus to develop his picture of the ideal orator.

1.166–203 Crassus on the need for knowledge of the law

166–172 (Crassus, Scaevola) Introduction

173–184 The shamelessness of those neglecting the civil law, illustrated by the importance of many cases that turned on points of law

185–197 The laziness of those neglecting the civil law: (185–192) it is easy, especially when systematized with the help of dialectic, (193–197) and its study is enjoyable

198–200 Other advantages of knowing the civil law

201–203 Knowledge of other areas of law also needed by the ideal orator

1.204–209a Interlude: Antonius is asked for a contribution

1.209b–218 Antonius' first objection to Crassus: definition of the orator

- 1.219–233 Antonius' second objection: philosophy unnecessary for an orator**
 219–224 The doctrines of the philosophers are impractical
 225–228 Examples of successful speeches illustrate this
 229–233 Two examples of the impracticality of Crassus' approach: Rutilius Rufus and Socrates
- 1.234–255 Antonius' third objection: legal knowledge unnecessary for an orator**
 234–236 Introduction: Crassus' view actually downgrades the legal experts
 237–245 Crassus' accusation of shamelessness is unfounded
 246–247 Crassus' accusation of laziness is unfounded
 248–250a I have never felt the need of such knowledge myself
 250b–255 The orator has no time to acquire legal knowledge, and does not need it for his old age
- 1.256–262a Antonius rounds off**
 256–259 Crassus' demands are generally too high
 260–262a Antonius' own, more moderate view
- 1.262b–265 End of the first day of the discussion**

BOOK 2

- 2.1–11 Prologue: the figures of Crassus and Antonius**
- 2.12–28a Setting of the second day**
 12–14 Two new arrivals (Catulus and Caesar)
 15–28a Discussion about resuming the discussion
- 2.28b–40 Antonius' introduction**
 28b–33a Oratory is an "art" only in a loose sense
 33b–38 Antonius extols eloquence; speaking, in whatever form, exclusively belongs to it
 39–40 Reactions of Catulus and Crassus; Antonius explains his change of attitude
- 2.41–73 Antonius on the orator's subject matter, explaining why he will concentrate on judicial and deliberative oratory (with interventions by Catulus and Caesar)**
 41–43a Divisions of oratory
 43b–50 Judicial and deliberative oratory the two essential and most difficult genres; other genres need no rules but can be dealt with on the principle of analogy; some examples
 51–64a The same is true for historiography
 64b–73 And also for general, philosophical questions (*theses*)
-
- 2.74–76 Interlude: Catulus on practice vs. (Greek) theory**
- 2.77–84 Antonius on art: the standard rhetorical rules**

- 2.85–87 **Antonius on natural abilities**
- 2.88–98 **Antonius on imitation and training**
 88–92a General rules for imitation
 92b–95 History shows the importance of imitation
 96–98 Imitation and training
-
- 2.99–306 **INVENTION (mainly Antonius)**
- 2.99–113 **Getting to know the case (status theory)**
- 2.114–128a **Introduction to main discussion of invention**
 114–120a General remarks on the three means of persuasion (arguments, ethos, pathos)
 120b–128a The division of labor between Antonius and Crassus (Antonius, Crassus, Catulus)
- 2.128b–177 **Arguments**
 128b–151 Preliminaries: (128b–131) introduction; (132–138a) determining the nature of the case; (138b–145a) the technical rules here are oversystematic; (145b–151) the right approach; diligence
 152–161 The philosophical background: Aristotle (Antonius, Catulus)
 162–177 The system of abstract commonplaces
- 2.178–216a **The other two means of persuasion: ethos and pathos**
 178–181 Introduction
 182–184 Ethos
 185–211a Pathos: (185–188) introduction; (189–196) feeling the emotions yourself; (197–204a) an example from Antonius' practice: the Norbanus case; (204b–211a) the individual emotions
 211b–216a Handling of ethos and pathos
- 2.216b–290 **Excursus on wit (mainly Caesar)**
 216b–234 General discussion; Caesar is persuaded to treat the subject
 235–236 Five questions; brief treatment of the first three
 237–247 The fourth question: to what extent must the humorous be employed?
 248–287 The fifth question, the categories of the humorous: (248–252) jokes depend on words or on content; (253–263) jokes depending on words; (264–287) jokes depending on content
 288–290 End of the excursus
- 2.291–306 **Concluding remarks on invention (mainly Antonius): the importance of not harming your case**
-
- 2.307–332 **ARRANGEMENT (Antonius)**
- 2.307–315a **The first step: choice and distribution of arguments, ethos, and pathos**
- 2.315b–332 **The parts of a speech**
 315b–325 Prologue
 326–330 Narration
 331–332 Proposition and argumentation; conclusion

2.333–340a **The deliberative genre (Antonius)**

2.340b–349 **The laudatory genre (Antonius)**

2.350–360 **MEMORY (Antonius)**

2.361–367 **End of the morning's discussion**

BOOK 3

3.1–16 **Prologue: the sequel**

3.17–18 **Setting of the afternoon discussion**

3.19–212 **STYLE (mainly Crassus)**

3.19–24 **The unity of words and content**

3.25–37a **Preliminaries to style: the variety of eloquence**

25–34a The endless variety of eloquence

34b–37a Giving guidelines is nevertheless possible

3.37b–51 **The four qualities of style (correct Latin, clarity, distinction and appropriateness); treatment of the first two: correct Latin and clarity**

37b–38 Introduction of the four qualities

39–48 Correct Latin (with an emphasis on pronunciation)

49–51 Clarity

3.52–90 **True distinction (and appropriateness): the knowledge of the ideal orator, and the original unity of speech and knowledge**

52–55 True eloquence and the remaining two qualities of style (distinction and appropriateness)

56–73 The loss of the original unity of speech and knowledge: (56–58) the unity in the distant past; (59–62) its destruction by Socrates and his followers; (63–68) the present philosophical schools and the orator; (69–73) restatement

74–81 The philosophers, the run-of-the-mill orator, and the ideal orator

82–90 Ideal and practice, the active and the contemplative life

3.91–103 **Return to distinction and appropriateness**

91–95 The link between the preceding passage and the two remaining qualities (distinction and appropriateness)

96–103 Distinction residing in the general character of a speech

3.104–125 **True distinction resides in content**

104–107a Amplification, and the means of achieving this

107b–110 General questions (*theses*) belonged to the orators, but nowadays we must borrow them from the philosophers

111–119 A "philosophical" classification of general and specific questions (*theses* and *hypotheses*)

120–125 The general questions and the knowledge related to them belong to the orators, though they were left to the philosophers

- 3.126–143 The original unity of speech and knowledge again (Catulus and Crassus)**
 126–131 Catulus on the early sophists
 132–141 Crassus on the old unity in Rome and in Greece
 142–143 Crassus' conclusion
- 3.144–147 The others react (Cotta, Caesar, Sulpicius)**
- 3.148–170 Technical discussion of distinction I: individual words**
 148–149a Introduction
 149b–154 The three categories of individual words, and treatment of the first two: unusual/archaic and coined words
 155–169 Metaphors (the third category): (155–161) introduction, and the reasons for using metaphors; (162–165) guidelines for their use; (166–167a) allegory; (167b–169) related devices (tropes): metonymy, synecdoche, and catachresis
 170 Summary
- 3.171–198 Technical discussion of distinction II: the combination of words**
 171–172 juxtaposition
 173–198 rhythm and periodic structure: (173–176a) general remarks on prose rhythm; (176b–181) its application easy and useful; (182–183) specific rhythms (partly after Aristotle); (184–186a) the difference with poetic rhythms (partly after Theophrastus); (186b) periodic sentence structure; (187–189) interlude (Crassus, Catulus, Antonius); (190–194) summary; (195–198) the effect on a lay audience
- 3.199–209 Technical discussion of distinction III: the figures**
 199–201 Summary of the preceding
 202–205 The figures of thought
 206–207 The figures of speech
 208–209 Concluding remarks (Crassus and Cotta)
- 3.210–212 Appropriateness**
-
- 3.213–227 DELIVERY (mainly Crassus)**
 213–216a Introduction
 216b–219 The voice
 220 Gesture
 221–223a The face, especially the eyes
 223b–227 The universal nature of delivery; preserving and using the voice
-
- 3.228–230 Coda**

Further Reading and Bibliography

FURTHER READING

(for abbreviated titles see the bibliography below)

This section is meant to provide some initial guidance through the labyrinth of the relevant serious modern scholarship on *De oratore*. Most titles are by specialists in the ancient world; we believe that they offer the best road to understanding *De oratore* and its background, also for the many nonclassicists interested in the work.¹

In-depth interpretation of *De oratore* is provided by the commentary by Leeman and Pinkster (and others; four volumes so far, in German, reaching 3.95; a final volume, in English, is in preparation by J. Wisse and others); at every passage, it offers interpretative studies as well as the (indispensable) detailed comments expected from a traditional commentary. Analyses of some of the technical rhetorical aspects of the work can be found in Wisse 1989. Narducci 1997 (in Italian) devotes much space to *De oratore*, placing it in the context of other Ciceronian works. Reference to further modern scholarship will be found in the notes to the Introduction.

As comprehensive surveys of the history of rhetoric and oratory in the relevant periods, Kennedy's early books (1963 and 1972) are without rival; his recent, abridged version (1994) is convenient but inevitably rather brief on many matters of interest. For acquiring a feeling for the actual workings of Latin prose (rhetorical and other) and its interplay with rhetorical theory, Leeman 1963 must still be recommended. Lausberg 1960/1998 is a convenient overview of ancient rhetorical theory, although its completely systematic approach misleadingly suggests that there was only one, unified theory. Among recent works, Porter, ed., 1997 will be found useful; the same is true of many of the articles in the German *Historisches Wörterbuch der Rhetorik*, although the quality of this handbook is very uneven.

Cicero's life is treated in many modern biographies (p. 6 note 4); some of these also offer insightful analyses of wider political and cultural issues. Cicero's letters are an attractive source for this area and for much more; in this connection, Shackleton Bailey's editions should not go unmentioned (*Letters to Atticus*, 7 vols.; *Epistulae ad Familiares*, 2 vols.; *Epistulae ad Quin-*

¹ We have not listed items that we believe to be inadequate, but readers should be warned that much inadequate scholarship has indeed found (and finds) its way into books and articles.

tum fratrem et M. Brutum; all published by Cambridge University Press, 1965–1980).

The political background of the time has been the subject of much scholarly work and controversy. We would like to mention Taylor 1949; the work of E. Badian and P. Brunt (see, e.g., the latter's *Social Conflicts in the Roman Republic*, London: Chatto & Windus 1971; *The Fall of the Roman Republic and Other Essays*, Oxford: Clarendon Press; New York: Oxford University Press, 1988); and the very valuable surveys in the recent second edition of the *Cambridge Ancient History* (CAH) vol. IX. For chronological and prosopographical analyses, Broughton's three volumes are an indispensable tool.

The intellectual and cultural background is well treated by Rawson 1985; see also her collected papers (1991), a monument to her meticulous and lively scholarship. A good survey is Griffin's chapter in CAH IX²: 689–728. In fairness, Gruen's analysis of the Roman attitude to Greek culture must be mentioned (1992: 223–271); but to our minds, his views are unusual rather than convincing.

TEXTS, TRANSLATIONS, AND COMMENTARIES

The best edition of Cicero's Latin text is that of K. Kumaniecki (Leipzig: Teubner, 1969; reprinted with some random, unsignalled changes, Stuttgart-Leipzig: Teubner, 1995); but it is far from faultless. The Oxford Classical Text of A. S. Wilkins (1902) is still widely used. See further p. 42.

We have of course consulted existing translations. Two complete English versions are available. One is by E. W. Sutton and H. Rackham in the Loeb Classical Library, keyed to a Latin text (two volumes; London: Heinemann; Cambridge, Mass.: Harvard University Press, 1942; often reprinted). Its Latin text is inadequate, as is the translation; the marginal summaries are at times gravely misleading. The version of J. S. Watson, originally published in 1848, is somewhat better, despite its nineteenth-century flavor (*Cicero on Oratory and Orators*. Repr. Carbondale: Southern Illinois University Press, 1970, 1986). M. Grant's version of Book 1 is preferable, but at times readability has taken precedence over argument (in *Cicero. On the Good Life*. Harmondsworth: Penguin, 1971). The French translation in the Budé series, by E. Courbaud and H. Bornecque, is sometimes good, sometimes imprecise (with Latin text; Paris: Les belles lettres, 1922–1930). Readers of German and Dutch are fortunate to have the very good versions of, respectively, H. Merklin (*Marcus Tullius Cicero. De oratore. Über den Redner* [3rd edition]. Stuttgart: Reclam, 1997) and H. W. A. van Rooijen-Dijkman and A. D. Leeman (*Cicero. Drie gesprekken over redenaarskunst*. Amsterdam: Athenaeum—Polak & Van Gennep, 1989). These last two in particular have frequently helped us.

The commentary by Leeman, Pinkster, and others (see bibliography) is meant to replace all previous commentaries. The two most recent among these are still useful, particularly for the second part of Book 3, where Leeman-Pinkster is not (yet) available. One of these is in English, by A. S. Wilkins

(with text; *M. Tulli Ciceronis De oratore libri tres*. Oxford, 1892; repr. Amsterdam: Hakkert, 1962; and Hildesheim: Olms, 1965); the other is in German, by K. W. Piderit and O. Harnecker (with text; *Cicero De oratore* [6th edition]. Leipzig: Teubner, 1886–1890; repr. Amsterdam: Hakkert, 1965).

BIBLIOGRAPHY

The following titles are normally referred to by author's name and year of publication.

- Alexander, M. C. *Trials in the Late Roman Republic, 149 BC to 50 BC* (Phoenix Suppl. 26). Toronto: University of Toronto Press, 1990.
- von Arnim, H. *Leben und Werke des Dio von Prusa*. Berlin: Weidmann, 1898, chapter 1 (pp. 1–114): "Sophistik, Rhetorik, Philosophie in ihrem Kampf um die Jugendbildung."
- Badian, E. "The Death of Saturninus. Studies in Chronology and Prosopography." *Chiron* 14 (1984) 101–147.
- Barnes, J. "Is Rhetoric an Art?" *darg Newsletter* (Discourse Analysis Research Group of the University of Calgary), vol. 2, no. 2 (1986) 2–22.
- Barwick, K. *Das rednerische Bildungsideal Ciceros* (Abhandlungen der Sächsischen Akademie der Wissenschaften zu Leipzig 54, 3). Berlin: Akademie-Verlag, 1963.
- Beare, W. *The Roman Stage* (3rd edition). London: Methuen, 1964.
- Blum, H. *Die antike Mnemotechnik* (Spudasmata 15). Hildesheim-New York: Georg Olms, 1969.
- Boissier, G. *Cicéron et ses amis*. Paris: Hachette, 1865 (and reprints; English tr.: *Cicero and his Friends*, translated by A. D. Jones in 1897. American Edition, New York: G. P. Putnam's, 1925).
- Bremmer, J. "Walking, Standing, and Sitting in Ancient Greek Culture," in Bremmer and Roodenburg (eds.) 1991/1992, pp. 15–35.
- Bremmer, J. and Roodenburg, H. (eds.). *A Cultural History of Gesture*. Cambridge: Polity Press, 1991; Ithaca, N.Y.: Cornell University Press, 1992.
- Broughton, T. R. S. *The Magistrates of the Roman Republic I, II*. Cleveland: Case Western Reserve University Press, 1951–1952.
- Broughton, T. R. S. *The Magistrates of the Roman Republic. III: Supplement*. Atlanta: Scholars Press, 1986.
- The Cambridge Ancient History* (2nd edition). Cambridge: Cambridge University Press.
- Vol. VII, Pt 2: *The Rise of Rome to 220 B.C.*, edited by F. W. Walbank, A. E. Astin, M. W. Frederiksen, and R. M. Ogilvie, 1989.
- Vol. IX: *The Last Age of the Roman Republic, 146–43 B.C.*, edited by J. A. Crook, A. Lintott, and E. Rawson, 1994.
- Caplan, H. [*Cicero*] *Ad C. Herennium De Ratione Dicendi* (Loeb Classical Library). London: Heinemann; Cambridge, Mass.: Harvard University Press, 1954.
- Clarke, M. L. "The Thesis in the Roman Rhetorical Schools of the Republic." *Classical Quarterly* 45 [N.S. 1] (1951) 159–166.
- Classen, C. J. "Ciceros orator perfectus: ein vir bonus dicendi peritus?" in S. Prete (ed.). *Commemoratio. Studi di filologia in ricordo di Riccardo Ribuli*. Sassoferato, 1986, pp. 43–55 = *Die Welt der Römer*. Berlin-New York: De Gruyter, 1993, pp. 155–67.
- Conley, T. M. *Rhetoric in the European Tradition*. New York-London: Longman, 1990; Chicago-London: University of Chicago Press, 1994.

- Diels, H. and Kranz, W. *Die Fragmente der Vorsokratiker* (9th edition). Three volumes. Berlin: Weidmann, 1959–1960.
- Douglas, A. E. "A Ciceronian Contribution to Rhetorical Theory." *Eranos* 55 (1957) 18–26.
- Douglas, A. E. "The Intellectual Background of Cicero's *Rhetorica*. A Study in Method," in *Aufstieg und Niedergang der Römischen Welt* I. 3. Berlin-New York: De Gruyter, 1973, pp. 95–138.
- Düring, I. *Aristotle in the Ancient Biographical Tradition* (*Studia Graeca et Latina Gothoburgensia* 5 = *Acta Universitatis Gothoburgensis* [Göteborgs Högskolas Årsskrift] 63, 1957, no. 2). Göteborg: Elander, 1957.
- Fantham, E. "Imitation and Evolution: The Discussion of Rhetorical Imitation in Cicero *De oratore* 2.87–97 and Some Related Problems of Ciceronian Theory." *Classical Philology* 73 (1978) 1–16.
- Fortenbaugh, W. W. "Theophrastus on Delivery," in W. W. Fortenbaugh, P. M. Huby, and A. A. Long (eds.). *Theophrastus of Eresus. On His Life and Works* (Rutgers University Studies in Classical Humanities 2). New Brunswick-Oxford, 1985: Transaction Books, pp. 269–288.
- Fortenbaugh, W. W. "Aristotle's Platonic Attitude Toward Delivery." *Philosophy and Rhetoric* 19 (1986) 242–254.
- Fortenbaugh, W. W. "Benevolentiam conciliare and animos permovere: Some Remarks on Cicero's *De oratore* 2.178–216." *Rhetorica* 6 (1988) [1989] 259–273.
- Fortenbaugh, W. W. "Cicero's Knowledge of the Rhetorical Treatises of Aristotle and Theophrastus," in W. W. Fortenbaugh and P. Steinmetz (eds.). *Cicero's Knowledge of the Peripatos* (Rutgers University Studies in Classical Humanities 4). New Brunswick-London: Transaction Publishers, 1989, pp. 39–60.
- Fuhrmann, M. *Cicero and the Roman Republic*, translated by W. E. Yuill. Oxford and Cambridge: Blackwell, 1992 (originally: *Cicero und die römische Republik. Eine Biographie* [3rd edition]. München-Zürich: Artemis, 1991).
- Gaines, R. N. "Cicero and Philodemus on Models of Rhetorical Expression," in Daniel Delattre and Clara Auvray Assayas (eds.). *Les Polémiques philosophiques à Rome vers la fin de la République. Cicéron et Philodème* (Actes du Congrès International Philodème de Gadara, Paris-Chantilly, 24–30 Avril 1998). Paris: Presses de l'Ecole Normale supérieure, forthcoming 2001.
- Glucker, J. *Antiochus and the Late Academy* (Hypomnemata 56). Göttingen: Vandenhoeck & Ruprecht, 1978.
- Görler, W. "From Athens to Tusculum: Gleaning the Background of Cicero's *De oratore*." *Rhetorica* 6 (1988) [1989] 215–235.
- Graf, F. "Gestures and Conventions: The Gestures of Roman Actors and Orators," in Bremmer and Roodenburg (eds.) 1991/1992, pp. 36–58.
- Grant, M. "Translating Latin Prose," in W. Radice and B. Reynolds (eds.). *The Translator's Art. Essays in Honour of Betty Radice*. Harmondsworth: Penguin Books, 1987, pp. 81–91.
- Grant, W. L. "Cicero on the Moral Character of the Orator." *Classical Journal* 38 (1943) 472–478.
- Gruen, E. S. *Culture and National Identity in Republican Rome*. Ithaca, N.Y.: Cornell University Press, 1992.
- Habicht, C. *Cicero the Politician*. Baltimore-London: Johns Hopkins University Press, 1990.
- Hall, J. "Persuasive Design in Cicero's *De oratore*." *Phoenix* 48 (1994) 210–225.
- Harder, R. "Quelle oder Tradition?" in *Les Sources de Plotin* (Entretiens sur l'antiquité classique 5). Vandœuvres-Genève: Fondation Hardt, 1960, pp. 325–339.

- den Hengst, D. "Memoria, thesaurus eloquentiae: de Auctor ad Herennium, Cicero en Quintilianus over mnemotechniek." *Lampas* 19 (1986) 239–248.
- Historisches Wörterbuch der Rhetorik. (Four volumes to date, covering A–K), edited by G. Ueding. Tübingen: Niemeyer, 1992– . . .
- Hubbell, H. M. "The Rhetorica of Philodemus. Translation and Commentary." *Transactions of the Connecticut Academy of Arts and Sciences* 23 (1920) 243–382.
- Innes, D. C. "Theophrastus and the Theory of Style," in W. W. Fortenbaugh, P. M. Huby, and A. A. Long (eds.). *Theophrastus of Eresus. On His Life and Works* (Rutgers University Studies in Classical Humanities 2). New Brunswick-Oxford: Transaction Books, 1985, pp. 251–267.
- Innes, D. C. "Cicero on Tropes." *Rhetorica* 6 (1988) [1989] 307–325.
- Kennedy, G. A. *The Art of Persuasion in Greece*. Princeton, N.J.: Princeton University Press, 1963.
- Kennedy, G. A. "The Rhetoric of Advocacy in Greece and Rome." *American Journal of Philology* 89 (1968) 419–436.
- Kennedy, G. A. *The Art of Rhetoric in the Roman World, 300 B.C.–A.D. 300*. Princeton, N.J.: Princeton University Press, 1972.
- Kennedy, G. A., transl. Aristotle. *On Rhetoric: A Theory of Civic Discourse*. New York: Oxford University Press, 1991.
- Kennedy, G. A. *A New History of Classical Rhetoric*. Princeton, N.J.: Princeton University Press, 1994.
- Kock, Th. *Comicorum Atticorum Fragmenta I–III*. Lipsiae (Leipzig): B. G. Teubner, 1880–1888.
- Kroll, W. "Studien über Ciceros Schrift De oratore." *Rheinisches Museum* 58 (1903) 552–597.
- Lausberg, H. *Handbuch der literarischen Rhetorik. Eine Grundlegung der Literaturwissenschaft* (2 volumes). München: Hübner, 1960; 1973 (2nd edition = *Handbook of Literary Rhetoric: A Foundation for Literary Study*, translated by M. T. Bliss and others. Leiden-New York: Brill, 1998).
- Lebek, W.-D. "Cic. De orat. 3, 153: Caelius oder Laelius?" *Museum Helveticum* 27 (1970) 41–44.
- Leeman, A. D. *Orationis Ratio. The Stylistic Theories and Practice of the Roman Orators Historians and Philosophers*. Amsterdam: Hakkert, 1963, two volumes; repr. 1986, one volume.
- Leeman, A. D. "The Technique of Persuasion in Cicero's Pro Murena," in *Éloquence et rhétorique chez Cicéron* (Entretiens sur l'antiquité classique 28). Vandœuvres-Genève: Fondation Hardt, 1982, pp. 193–228; with discussion, pp. 229–236.
- Leeman, A. D., Pinkster, H. (and others). *M. Tullius Cicero De oratore libri III. Kommentar*. Heidelberg: Carl Winter, 1981 ff.: vol. I: 1981; vol. II, with H. L. W. Nelson: 1985; vol. III, with E. Rabbie: 1989; vol. IV, with J. Wisse: 1996.
- Long, A. A. "Cicero's Politics in *De officiis*," in A. Laks and M. Schofield (eds.). *Justice and Generosity*. Cambridge: Cambridge University Press, 1995, pp. 213–240.
- Luria, A. R. *The Mind of a Mnemonist*, translated by L. Solotaroff. New York-London: Basic Books, 1968.
- Malcovati, H. (ed.). *Oratorum Romanorum Fragmenta Liberae Rei Publicae* (4th edition), two volumes. Torino: Paravia, 1976.
- Martin, J. *Antike Rhetorik. Technik und Methode* (Handbuch der Altertumswissenschaft II. 3). München: Beck, 1974.
- Matthes, D. "Hermagoras von Temnos 1904–1955." *Lustrum* 3 (1958) 58–214; 262–278.
- May, J. M. "The Rhetoric of Advocacy and Patron-Client Identification: Variation on a Theme." *American Journal of Philology* 102 (1981) 308–315.

- May, J. M. *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill and London: University of North Carolina Press, 1988.
- Merklin, H. "System und Theorie in Ciceros 'De oratore.'" *Würzburger Jahrbücher für die Altertumswissenschaft* NF 13 (1987) 149–161.
- Mitchell, T. N. *Cicero: The Ascending Years*. New Haven, Conn.-London: Yale University Press, 1979.
- Mitchell, T. N. *Cicero, the Senior Statesman*. New Haven, Conn.-London: Yale University Press, 1991.
- Murray, P. *Plato on Poetry*. Cambridge: Cambridge University Press, 1995.
- Narducci, E. *Cicerone e l'eloquenza romana. Retorica e progetto culturale*. Roma-Bari: Laterza, 1997.
- Nauck, A. *Tragicorum Graecorum Fragmenta* (2nd edition). Lipsiae (Leipzig): Teubner, 1889.
- The Oxford Classical Dictionary* (3rd edition), edited by S. Hornblower and A. Spawforth. Oxford–New York: Oxford University Press, 1996.
- The Oxford Latin Dictionary*, edited by P.G.W. Glare. Oxford: Clarendon Press, 1982.
- Pinkster, H. "Sicut unus pater familias: Opmerkingen over het gebruik van *ille* en *unus* in verband met de ontwikkeling in de Romaanse talen," in A. M. van Erp Taalman Kip, D. den Hengst, and J. J. L. Smolenaars (eds.). *Propemptikon. Afscheidsbundel* W. J. H. F. Kegel. Amsterdam 1988, pp. 109–115.
- Pinkster, H. *Latin Syntax and Semantics*. London–New York: Routledge, 1990.
- Pinkster, H. "The Structure of Cicero's Passage on the Laughable in *De oratore* II," in D. Longrée (ed.). *DE VSV. Études de syntaxe latine offertes en hommage à Marius Lavency*. Louvain-la-Neuve: Peeters, 1995, pp. 247–253.
- Porter, S. F. (ed.). *Handbook of Classical Rhetoric in the Hellenistic Period, 330 B.C.–A.D. 400*. Leiden: Brill, 1997.
- Rawson, E. "Cicero the Historian and Cicero the Antiquarian." *Journal of Roman Studies* 62 (1972) 33–45 (= Rawson 1991: 58–79).
- Rawson, E. *Cicero. A Portrait*. London: Allan Lane, 1975.
- Rawson, E. "The Introduction of Logical Organization in Roman Prose Literature." *Papers of the British School at Rome* 46 (1978) 12–34 (= Rawson 1991: 324–351).
- Rawson, E. *Intellectual Life in the Late Roman Republic*. London and Baltimore: Johns Hopkins University Press, 1985.
- Rawson, E. *Roman Culture and Society: Collected Papers*. Oxford: Oxford University Press, 1991.
- Renting, D. S. A. "Three Textcritical Notes on Cicero, *De oratore* (II 321; 327; 364)." *Mnemosyne* 45 (1992) 228–234.
- Renting, D. S. A. "The Manuscripts of Cicero's *De oratore*: E is a Descendant of A." *Classical Quarterly* 46 (1996) 183–195.
- Ribbeck, O. *Scaenicorum Romanorum poesis Fragmenta*. Vol. II: *Comicorum Romanorum Fragmenta* (3rd edition). Lipsiae (Leipzig): Teubner, 1898.
- Shackleton Bailey, D. R. *Cicero*. London: Duckworth, 1971; New York: Scribner, 1972.
- Solmsen, F. "Aristotle and Cicero on the Orator's Playing upon the Feelings." *Classical Philology* 33 (1938) 390–404 (= Solmsen 1968: 216–230).
- Solmsen, F. "The Aristotelian Tradition in Ancient Rhetoric." *American Journal of Philology* 62 (1941) 35–50, 169–90 (= Solmsen 1968: 178–215).
- Solmsen, F. *Kleine Schriften*. Vol. 2. Hildesheim: Georg Olms, 1968.
- Staveley, E. S. *Greek and Roman Voting and Elections*. London: Thames & Hudson, 1972.
- Stockton, D. L. *Cicero. A Political Biography*. Oxford–New York: Oxford University Press, 1971.
- Stockton, D. L. *The Gracchi*. Oxford: Oxford University Press, 1979.

- Sumner, G. V. *The Orators in Cicero's Brutus: Prosopography and Chronology* (Phoenix Suppl. 11). Toronto: University of Toronto Press, 1973.
- Taylor, L. R. *Party Politics in the Age of Caesar*. Berkeley: University of California Press, 1949.
- Taylor, L. R. *Roman Voting Assemblies*. Ann Arbor: University of Michigan Press, 1966.
- Throm, H. *Die Thesis. Ein Beitrag zu ihrer Entstehung und Geschichte* (Rhetorische Studien 17). Paderborn: Schöningh, 1932.
- Treggiari, S. *Roman Freedmen During the Late Republic*. Oxford: Oxford University Press, 1969.
- Vickers, B. *In Defence of Rhetoric*. Oxford: Clarendon Press, 1988.
- Warmington, E. H. *Remains of Old Latin* (Loeb Classical Library). Four volumes. London: Heinemann; Cambridge, Mass.: Harvard University Press, 1935; revised and reprinted, 1979.
- Wieacker, F. *Römische Rechtsgeschichte: Quellenkunde, Rechtsbildung, Jurisprudenz und Rechtsliteratur*. 1. Abschnitt: Einleitung, Quellenkunde, Frühzeit und Republik (Handbuch der Altertumswissenschaft X. 3. 1. 1). München: Beck, 1988.
- Wilkinson, L. P. *Golden Latin Artistry*. Cambridge: Cambridge University Press, 1963.
- Wisse, J. *Ethos and Pathos from Aristotle to Cicero*. Amsterdam: Hakkert, 1989.
- Wisse, J. "Greeks, Romans, and the Rise of Atticism," in J. G. J. Abbenes, S. R. Slings, and I. Sluiter (eds.). *Greek Literary Theory After Aristotle. A Collection of Papers in Honour of D. M. Schenkeveld*. Amsterdam: VU University Press, 1995, pp. 65–82.
- Wisse, J. "Atticists, Academics and Epicureans. Aspects of Rhetorical Polemics in Philodemus and Cicero," in Daniel Delattre and Clara Auvray Assayas (eds.). *Les Polémiques philosophiques à Rome vers la fin de la République. Cicéron et Philodème* (Actes du Congrès International Philodème de Gadara, Paris-Chantilly, 24–30 Avril 1998). Paris: Presses de l'Ecole Normale supérieure, forthcoming 2001.
- Wisse, J. and Leeman, A. D. "Rhetoric, Truth and History. A Re-examination of Cicero's Remarks on Historiography (*De oratore* 2.51–64)" (in preparation).
- Wissowa, G. *Religion und Kult der Römer* (Handbuch der Altertumswissenschaft V. 4; 2nd edition). München: Beck, 1912.
- Woodman, A. J. *Rhetoric in Classical Historiography*. London-Sydney: Croom Helm; Portland, Oregon: Areopagitica Press, 1988.
- Yates, F. A. *The Art of Memory*. London: Routledge and Kegan Paul, 1966.

Abbreviations

Works mentioned in the bibliography (pp. 51–55 above) are generally referred to by the name of the author(s) and the year of publication. Where fragmentary texts of ancient authors are concerned, (abbreviated) names of editors are added to the fragment numbers, as usual (for the older editions of Kock, Nauck, and Ribbeck, see bibliography). Other abbreviations are as follows:

CAH	<i>The Cambridge Ancient History</i> (see bibliography for details) VII ² Pt. 2 = Vol. VII Pt. 2 (2nd edition) IX ² = Vol. IX (2nd edition)
Caplan	Caplan 1954 (see bibliography for details)
LP	those parts of Leeman-Pinkster 1981 ff. (see bibliography) for which Leeman and Pinkster bear primary responsibility (vol. I; vol. II apart from LPN; vol. III apart from LPR; vol. IV apart from LPW)
LPN	that part of Leeman-Pinkster-Nelson (= Leeman-Pinkster vol. II, 1985) for which H. L. W. Nelson bears primary responsibility (pp. 19–122: on 1.166–203)
LPR	that part of Leeman-Pinkster-Rabbie (= Leeman-Pinkster vol. III, 1989) for which E. Rabbie bears primary responsibility (pp. 172–333: on 2.216–290)
LPW	that part of Leeman-Pinkster-Wisse (= Leeman-Pinkster vol. IV, 1996) for which J. Wisse bears primary responsibility (pp. 87–101, 131–176, and 197–314: respectively on 3 in general, 3.19–37, and 3.52–95)
OCD	<i>Oxford Classical Dictionary</i> (3rd edition), 1996 (see bibliography for details)
OLD	<i>Oxford Latin Dictionary</i> (see bibliography for details)
ORF	<i>Oratorum Romanorum Fragmenta</i> , edited by H. Malcovati (4th edition), 1953 (see bibliography at Malcovati for details)
ROL	<i>Remains of Old Latin</i> , edited by E. H. Warmington (see bibliography at Warmington for details); references are to line or to page number, whichever is most convenient in each case
Wilkins	A. S. Wilkins' commentary on <i>De oratore</i> (see pp. 50–51 for details)

ON THE IDEAL ORATOR

BOOK 1

1–5 Prologue I: Cicero's personal situation and reasons for writing De oratore

Whenever my reflections and reminiscences take me back to times gone by, 1
my dear brother Quintus, it always seems to me that the men of that era
were tremendously fortunate.¹ Living in the best days of our State, and prosper-
ing in the enjoyment of high honors and the glory of their accomplish-
ments, they could maintain a course of life that offered them the opportunity
for political activity without peril, as well as the possibility for leisure with
dignity. There was, in fact, a time when I believed that, once an end had
come to my ceaseless work in the forum and to my concern with political
campaigning, after holding all important public offices and having reached
a turning point in my life,² I too would have almost everyone's approval
for entering on a period of well-deserved rest, in which I could redirect my
attention to the splendid intellectual pursuits we both love. But these hopes 2
that I cherished in my thoughts and plans have been foiled by the disas-
trous events in our community as well as by personal misfortunes of all
kinds. Just when the circumstances promised, so it seemed, to be utterly
peaceful and undisturbed, an enormous mass of troubles and incredibly
turbulent storms arose. So, for all my hopes and prayers, I have not been
granted the benefit of leisure that would allow me to pursue and revive,
together with you, the arts to which we have been dedicated from boyhood.
For it so happened that in my early years I witnessed the very disruption 3
of traditional order and morals; then during my consulship, I had to con-
front a critical conflict of universal proportion; and all my time since that
consulship I have spent in trying to break the waves that, while prevented

¹Cicero looks back nostalgically to times of greater stability in the State, to which he contrasts the turbulent events in his own lifetime. For further details, see Introduction, pp. 6–9.

²Cicero's consulship (in 63 BC) was the capstone of his political career. See Introduction, pp. 8–9.

by my intervention from wreaking general destruction, have recoiled upon me personally.³

- Nevertheless, despite this difficult situation and these constraints upon my time, I will heed the call of our studies and will devote, especially to writing, as much leisure time as I am afforded by the intrigue of my enemies, the cause of my friends, and my duty to the State. You, Quintus, urge me to do this, and I shall not fail you, for no one's authority or wish could carry more weight with me than yours. To this end, it is appropriate for me to recall something that happened long ago. Though the story is not remembered in every detail, it is, I think, particularly suited to your request, and you will learn from it the ideas of the most eloquent and illustrious men about all the principles of oratory. For as you have often told me, you would like me to publish something more polished and mature on this subject, since the sketchy and unsophisticated work that found its way out of my notebooks when I was a boy (or rather a youth)⁴ is hardly worthy of my present age and of the experience I have acquired from pleading so many momentous cases. Moreover, when our discussions on occasion turn to this topic, you generally disagree with me.⁵ I maintain that eloquence is founded upon the intellectual accomplishments of the most learned; you, on the other hand, believe that it has nothing to do with the refinements of education, but is, rather, one of the things that depend on natural ability and practice.⁶

6–20 *Prologue II: The difficulty of oratory;
the ideal orator*

- 6 For my part, whenever I reflect upon the greatest and most gifted men, it always seems that the following question requires an answer: why have more people come forward to distinguish themselves in every other art than in oratory? Turn your thoughts and attention where you will, and you see a great many who excel in each kind of endeavor—not merely in the minor

³Cicero refers, first, to the period of 91 to 79 BC, with the Social War, the bloody civil wars between Marius and Sulla, and the proscriptions under the latter's regime; then to the Catilinarian conspiracy of 63; and finally to the difficult political circumstances after his consulship, marked especially by his exile in 58. This exile was brought about by Cicero's enemies in the aftermath of the conspiracy of 63, partly as a reaction to the role he as consul had played in its suppression; see Introduction, pp. 8–9.

⁴This work is Cicero's *On Invention*, written probably ca. 89 BC, when he was about seventeen (see Introduction, p. 7).

⁵"... on occasion ... generally ...": the Latin is differently phrased, but this is clearly the implication.

⁶Although the well-known triad (see Introduction, p. 27), theory, natural ability, and practice, stands in the background, Cicero here modifies it, for he replaces rhetorical theory ("art") with "the intellectual accomplishments of the most learned," and contrasts this with the other two. This modification reflects the central theme of the work.

arts, but in those we might call the most important.⁷ For instance, should anyone choose to evaluate the knowledge of illustrious men in terms of the usefulness or importance of their accomplishments, would he not grant precedence to the general over the orator? Yet there is no doubt that, even from our State alone, we could produce an almost endless list of absolutely outstanding leaders in war, but could name barely a few who have excelled in oratory. Furthermore, many have emerged who had the ability to guide and steer the State by counsel and thought—many in our own memory, more in our fathers', and even more in our ancestors'—whereas for quite a long time there were no good speakers at all, and entire generations scarcely produced even a tolerable one.

But some perhaps think that this art of oratory⁸ should be compared with other pursuits, namely those involved with abstruse branches of study and with varied and extensive reading, rather than with the qualities of the general or the wisdom of the good senator. If so, let them indeed turn their attention to these kinds of arts and examine who and how many have distinguished themselves in each. In this way, they will quite easily infer how very small the number of orators is and always has been. For instance, as you of course know, the most learned consider philosophy, as the Greeks call it, to be the creator and mother of all the valuable arts, so to speak.⁹ Yet even here in philosophy it is difficult to reckon how many people there have been (so notable for their abundant knowledge and for the variety and vast range of their studies!) who have not only worked as specialists in one single area, but have embraced all that exists in their thorough investigations or their dialectical reasonings. We all know how obscure the subjects handled by the so-called mathematicians are, and how abstruse, complex, and exact is the art with which they deal. Yet even in this area, so many geniuses have emerged that almost no one who has devoted his energies to mastering it appears to have been unsuccessful. As to the theory of music, and the study of language and literature so popular nowadays (the profession of the so-called grammarians)¹⁰—has anyone really dedicated himself to them

⁷In what follows, it appears that “the most important arts” with which Cicero first compares oratory are those of war and politics. The minor arts are not mentioned again (these are probably the arts of song and swordsmanship, mentioned in 3.86–87, and others like these). Instead, oratory is also compared, in 1.8–11, with the “esoteric” arts of philosophy, mathematics, music, and grammar.

⁸The Latin phrase translated here as “this art of oratory” (*hanc dicendi rationem*) means more properly something like “practical oratory based on the understanding of its principles”; “art” in the sense of theory is certainly not meant.

⁹This was at least Posidonius’ view (cf. Seneca, *Epistle* 90); but see also Cicero’s own remarks in 1.186–190 on the role of dialectic in the development of an art.

¹⁰The (originally Greek) term *grammaticus* was used to describe “scientific” grammarians as well as elementary teachers of literature. The treatment of poetry was central to the activity of both groups.

11 without managing to acquire enough knowledge to cover the complete, almost infinite range and material of those arts? I think I am justified in saying that, of all those who have been involved in the pursuit and study of the truly noble arts, the smallest contingent to emerge has been that of outstanding poets and speakers. Yet again, if you look at this group, where excellence is so very rare, and are willing to make a careful selection both from our number and from that of the Greeks, you will find that there have been far fewer good orators than good poets.

12 This fact is all the more amazing when we realize that the study of the other arts draws as a rule upon abstruse and hidden sources, whereas all the procedures of oratory lie within everyone's reach, and are concerned with everyday experience and with human nature and speech. This means that in the other arts the highest achievement is precisely that which is most remote from what the uninitiated can understand and perceive, whereas in oratory it is the worst possible fault to deviate from the ordinary mode of speaking and the generally accepted way of looking at things. One cannot
13 even truly maintain that more people dedicate themselves to the other arts, or that those who do are motivated to master them because these offer more pleasure or richer hopes or greater rewards. And in this respect, I need not mention Greece, which has always aspired to the leading position in eloquence, or the famous city of Athens, the inventor of all learning, where oratory in its highest form was both discovered and perfected, for surely even in this community of ours, no study has ever enjoyed more vigorous popularity than the study of eloquence. Once we had established our authority
14 over all nations and a stable peace had provided us with leisure,¹¹ almost every ambitious young man thought he should devote himself to oratory with all the energy he had. At first, it is true, they accomplished only as much as their own natural ability and reflection allowed, for they were unaware of any theory, and assumed there was no definite method of practicing or any rule of art whatsoever. But once they had heard Greek orators, had come to know Greek writings on the subject, and had called in teachers, our people were fired with a really incredible zeal for learning all these
15 things.¹² They were urged on by the scope, variety, and frequency of cases of every type, so that the theoretical knowledge that each had acquired by his own study was supplemented by constant practice, which was more effective than the precepts of all teachers. In addition, there were laid before them, just as there are now, the greatest rewards for this pursuit, in terms of influence, power, and prestige. Moreover, there are many indications that the natural ability of our people was far superior to that of all others, from every other nation.

¹¹Beginning in 201 BC, the Romans won a series of victories in the Mediterranean and the East, defeating Carthage in the war with Hannibal (201 BC), King Philip V of Macedonia (197), Antiochus the Great, King of the Seleucid Empire in the East (the peace of 188), and Perseus (at the Battle of Pydna in 168 BC).

¹²For the growing influence of Greek culture on the Romans, see Introduction, p. 6.

Considering all this, who would not rightly be amazed that, in the entire history of generations, of ages, and of communities, such a slight number of orators is to be found? The truth of the matter is, however, that this faculty is something greater, and is a combination of more arts and pursuits, than is generally supposed. For, in view of the enormous number of apprentices, the rich supply of available teachers, the exceptional talents engaged, the infinite variety of cases, and the utterly magnificent rewards held out for eloquence, the only conceivable explanation of this scarcity is surely the incredible scope and difficulty of oratory. To begin with,¹³ one must acquire knowledge of a very great number of things, for without this a ready flow of words is empty and ridiculous; the language itself has to be shaped, not only by the choice of words but by their arrangement as well; also required is a thorough acquaintance with all the emotions with which nature has endowed the human race, because in soothing or in exciting the feelings of the audience the full force of oratory and all its available means must be brought into play. In addition, it is essential to possess a certain esprit and humor, the culture that befits a gentleman,¹⁴ and an ability to be quick and concise in rebuttal as well as attack, combined with refinement, grace, and urbanity. Moreover, one must know the whole past with its storehouse of examples and precedents, nor should one fail to master statutes and the civil law. Surely I don't need to add anything about delivery? This must be regulated by the movement of the body, by gesture, by facial expression, and by inflecting and varying the voice.¹⁵ Just how much effort this requires, even by itself, is indicated by the trivial art of actors on the stage. For although every one of them strives to regulate his facial expression, voice, and movement, we all know how really few actors there are, and have been, whom we can watch without irritation. What shall I say about that universal treasure-house, the memory? It is clear that unless this faculty is applied as a guard over the ideas and words that we have devised and thought out for our speech, all the qualities of the orator, however brilliant, will go to waste.

Let us stop wondering, then, why there are so few eloquent speakers, seeing that eloquence depends on the combination of all these accomplishments, any one of which alone would be a tremendous task to perfect. Let us rather encourage our children, and all others whose fame and reputation are dear to us, to appreciate fully its enormous scope. They should not rely on the precepts or the teachers or the methods of practice in general use, but be confident that they can achieve their goals by means that are of a quite different order. It is at least my opinion that it will be impossible for anyone to be an orator endowed with all praiseworthy qualities, unless he has gained a knowledge of all the important subjects and arts. For it is certainly from

¹³In these two sections (17–18) Cicero sketches in bold strokes his “ideal orator”; the rest of the work will develop this picture.

¹⁴Literally, “free man.”

¹⁵All the traditional aspects of delivery; cf. Introduction, pp. 37–38.

knowledge that a speech should blossom and acquire fullness: unless the orator has firmly grasped the underlying subject matter, his speech will remain an utterly empty, yes, almost childish verbal exercise.¹⁶

21–23 Prologue III: *The present work*

- 21 Nevertheless, it is not my intention to lay upon orators—least of all upon ours who are so intensely occupied with life at Rome—this enormous burden of having to know everything, even though the essence of the notion “orator,” and the very claim of being able to speak well, seem to imply a definite promise to speak distinctively and abundantly¹⁷ about whatever
- 22 subject has been put forward. I have no doubt, however, that this would seem to most people an immense and infinite task. Moreover, I see that even the Greeks (who are amply endowed with natural ability and learning, and also with leisure time and enthusiasm for study) have already made a certain division of the arts, and have not, in their individual efforts, attempted to cover the entire field. Rather, they have set aside from the other forms of speaking that part of oratory which is involved with disputes before the courts and in deliberative assemblies, leaving only speeches of that sort for the orator. In this work, therefore, I shall not include anything more than what the highest authorities, after inquiry and much debate, have almost
- 23 unanimously assigned to that form of speaking.¹⁸ And in doing so, I shall not draw upon the elementary schooling that we received long ago as boys, and present some string of precepts. Instead, I will write about the things that, as I was once told, were the subject of a discussion between our most eloquent speakers, men of the highest possible reputation. Not that I despise what the Greek experts and teachers of oratory have left behind, but those things are evident and readily accessible to all, and could not, by any exposition of mine, either be set out with more distinction or be described more clearly. I suppose you will forgive me, my dear brother,¹⁹ if I do not rely on

¹⁶Substance, i.e., subject matter (*res*), and therefore knowledge, must be the foundation of words (*verba*); this was already indicated in 1.17 and will remain an important theme throughout the work.

¹⁷I.e., *ornate* and *copiose*. See Glossary at *ornatus*.

¹⁸Cicero here, by way of concession, says that he will not focus on the (ideal) orator’s ability to speak “about whatever subject has been put forward,” but will restrict his scope to the two types of oratory that traditionally received most attention (viz., the judicial and deliberative genres; see Introduction, p. 28). This concession, however, will be seen to be temporary, not so much because Antonius in Book 2 adds a brief discussion of the third genre (that of praise and blame: 2.341–349), but because the ideal of universal eloquence will receive much stress. It will be discussed in Book 1, and be emphasized again in Book 3. For such developments within *De oratore*, see Introduction, pp. 18–19.

¹⁹Cicero speaks tongue in cheek; we already know from 1.5 that Quintus prefers practice to theory. Cf. also 2.10, where Marcus reveals his brother’s dislike for systematic rhetorical handbooks.

the Greeks, but rather on the authority of those who have been granted the highest praise for their oratorical qualities by our own countrymen.

24–29 Setting of the dialogue

Well then, I remember being told that, when the consul Philippus was ever
more fiercely attacking the policy of our leading statesmen, and when the
power of Drusus in his tribunate, an office he had undertaken to support
the Senate's authority, already seemed weakened to the point of collapse,
Lucius Crassus retired during the Roman Games to his villa at Tusculum as
if to reinvigorate himself.²⁰ Quintus Mucius Scaevola, the father of his late
wife,²¹ joined him there, along with Marcus Antonius, who was an ally of
Crassus in his political objectives and united to him in closest friendship.
Crassus had also brought with him from Rome two young men, both very
good friends of Drusus, in whom their elders then placed high hopes for the
preservation of their political standing: Gaius Cotta, who was at that time a
candidate for the tribuneship of the plebs, and Publius Sulpicius, who was
thought likely to stand for the same office in the following year. On the first
day they talked for a long time, until sunset, about the present crisis and the
political situation in general—the actual reason they had assembled. And in
this conversation, Cotta used to tell me, these three former consuls²² dis-
cussed developments they found deplorable in such inspired fashion, that
no evil subsequently fell upon our community that they had not seen hang-
ing over it, even at that time. Once this whole conversation had been brought
to an end, however, Crassus displayed such geniality that, after they had
taken their bath and reclined for dinner, all the gloom of the previous day's
discussion was driven away; his pleasantness and conversational charm
were such, that while their day together had been spent in the atmosphere
of the Senate House, their dinner seemed to be quite appropriate for a Tus-
culan villa. On the next day, Cotta reported, when the older members of the
party had taken enough rest, they all gathered in the garden-walk. Then, af-
ter they had completed two or three turns, Scaevola said: "Say, Crassus, why
don't we follow the example of Socrates as he appears in Plato's *Phaedrus*?
For your plane tree here suggests this to me, by spreading its broad boughs

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²⁰Place and dramatic date of the dialogue are thus established: Philippus was consul in 91 BC and the *Ludi Romani*, the "Roman Games," were given annually, and in this period from the 4th or 5th until the 18th of September. The crisis alluded to was especially connected with the demands for Roman citizenship by Rome's Italian Allies, and was soon to erupt into the War with the Allies (see 3.8 with note 9). The group around Crassus consisted of (probably moderate) conservatives, who believed in the supremacy of the Senate as a political body (see Introduction, p. 5), and who were trying to solve the crisis by peaceful means. The prologue to Book 3 (3.2–5) provides a dramatic description of the immediate sequel, the clash between Philippus and Crassus in the Senate.

²¹Crassus had been married to Scaevola's daughter, who apparently had since died.

²²I.e., Crassus, Antonius, and Scaevola.

to shade this place exactly like that other plane tree whose shade Socrates sought—which seems to me to have grown not so much because of that little stream described there as owing to Plato's own words.²³ But what Socrates did, despite his extremely tough feet, can more justifiably be conceded to mine: he threw himself on the grass and there uttered the famous words that the philosophers say were spoken in inspired fashion."²⁴

- 29 "But certainly we can make things even more comfortable," Crassus replied. He called for cushions and they all sat down on the benches that were under the plane tree. Then, as Cotta used to tell me, to relieve the minds of all from the tension of the conversation on the day before, Crassus initiated a discussion about the pursuit of oratory.

30–34 *Crassus extols eloquence*

- 30 He began by saying that there seemed to be no need for him to encourage Sulpicius and Cotta, but rather to praise both of them for having already developed such oratorical skill that they were not only considered the best of their own generation, but were even challenging comparison with their seniors.²⁵ "Actually," he continued, "I think nothing is more admirable than being able, through speech, to have a hold on human minds, to win over their inclinations, to drive them at will in one direction, and to draw them at will from another. It is this ability, more than anything else, that has ever flourished, ever reigned supreme in every free nation and especially in quiet and
- 31 peaceful communities. What could be so wonderful as when out of an infinite crowd one human being emerges who—alone or with very few others—is able to use with effect the faculty that is a natural gift to all? Or what is so pleasing to the mind and to the ear as speech distinguished and refined by wise thoughts and impressive words? Or what so powerful and so splendid as when a single man's speech reverses popular upheavals, the scruples
- 32 of jurors, or the authority of the Senate? Again, what is so regal, so generous, so magnanimous, as lending aid to those in distress,²⁶ raising up the afflicted, offering people safety, freeing them from dangers, saving them from exile? At the same time, what is so vital as always having the weapons avail-

²³Cicero alludes to the literary and fictional nature of Plato's plane tree, as he does at the beginning of *On the Laws* (cf. Görler 1988 [1989]: 216–223). The scene, including the plane tree and the grass, is described by Plato, *Phaedrus* 229 A–230 C.

²⁴Socrates always went barefoot (see, e.g., *Phaedrus* 229 A). "The philosophers" possibly refers to Plato alone (see LP).

²⁵The contemporaries of Sulpicius and Cotta included Quintus Varius, Gnaeus Pomponius, Gaius Curio, Lucius Fufius, Marcus Drusus, and Publius Antistius; after Sulpicius and Cotta, Cicero ranked Pomponius a distant third, although some preferred Curio (see *Brutus* 201 ff.). Their seniors would include, in addition to Antonius and Crassus, Lucius Philippus, Lucius Gellius, Decimus Brutus, Julius Caesar Strabo, Gnaeus Octavius (cf. *Brutus* 173 ff.).

²⁶The Latin word (*supplices*) is a general word for "suppliants," "people in distress"; among others, it is used to refer to people who are on trial.

able with which you can shield yourself and challenge the wicked or take revenge when provoked? But really, let us not always be preoccupied with the forum, with the court-benches, the *rostra*,²⁷ and the Senate House: if we consider our leisure time, what can be more pleasant or more properly human than to be able to engage in elegant conversation and show oneself a stranger to no subject? For the one thing that most especially sets us above animals is that we converse with one another, and that we can express our thoughts through speech. Who, then, would not rightly admire this ability, and would not think that he should take the greatest pains in order to surpass other human beings in the very thing which especially makes humans themselves superior to beasts? But let us now turn to what is surely the most important point of all: what other force could have gathered the scattered members of the human race into one place, or could have led them away from a savage existence in the wilderness to this truly human, communal way of life, or, once communities had been founded, could have established laws, judicial procedures, and legal arrangements?²⁸ And to avoid enumerating still more points (they are actually almost numberless), let me summarize everything in a few words: I assert that the leadership and wisdom of the perfect orator provide the chief basis, not only for his own dignity, but also for the safety of countless individuals and of the State at large. Therefore, young men, continue your present efforts and devote all your energies to the pursuit you are following, so that you can bring honor to yourselves, service to your friends, and benefit to the State.”

35–40 Scaevola objects: the role of eloquence

Then Scaevola, in his usual gracious manner, said, “I agree with Crassus on almost all points, for I don’t want to depreciate either the skill or the glory of my father-in-law, Gaius Laelius, or of my son-in-law here. But Crassus, I’m afraid you mentioned two points that I cannot grant you: first, that communities were initially founded and also often preserved by orators; and secondly, that leaving aside the forum with its public meetings, courts, and Senate, the orator is perfectly accomplished in every kind of refined conversation, which is so characteristic of human culture. Who would grant you

²⁷The platform in the Roman Forum from which speakers addressed the people, adorned with the beaks or rams of ships (*rostra*) captured during the battle of Antium in 338 BC.

²⁸The establishment of human civilization was a so-called *topos*, i.e., a subject that could be used in many different ways, according to the inclinations and ideas of an author (see, e.g., *On Invention* 1.1–5). Cicero’s contemporary readers will have recognized that Crassus, by claiming eloquence as the force behind the civilizing process, emphatically opposes the view of the philosophers, who claimed that role for philosophy. Note, however, that Crassus claims the role for eloquence, and not for the theoretical discipline of rhetoric. Thus, Cicero’s characteristic middle position in the struggle between philosophers and rhetoricians is immediately made clear (cf. Introduction, pp. 11, 26).

- that in the beginning the human race, scattered throughout mountains and forests, went to live in the protection of city walls because it was soothed by the words of skilled speakers, not because it was driven by the counsels of wise men? Or that the other useful institutions involved in the foundation or preservation of communities were indeed established by the distinguished words of skilled speakers rather than the wisdom of men of resolute action? Do you really believe that when Romulus gathered his shepherds and refugees, or established the right to intermarry with the Sabines, or checked the violence of his neighbors, he did this by means of eloquence and not by the singular wisdom of his counsels? What about Numa Pompilius, or Servius Tullius, or the rest of the kings, who made many outstanding contributions to the organization of the State—do you find even a trace of eloquence in them? And after the kings had been expelled (and it is clear that even this expulsion was effected by the mind of Lucius Brutus, not by his tongue),²⁹ don't we see that all subsequent accomplishments were the result of an abundance of counsel accompanied by a complete absence of words? Indeed, if I wanted, I could actually give you examples from our own community as well as from others to show that men of supreme eloquence have more often damaged their states than they have supported them. But let me pass over the rest, and only mention Tiberius and Gaius Gracchus. I think that of all the men I have heard, excepting you and Antonius, they were the most eloquent. Their father, who possessed wisdom and authority, but was by no means eloquent, proved to be the salvation of the State on many occasions, and particularly when he was censor. It was not by any carefully prepared flow of words, but by a nod and a single word, that he restricted registration of the freedmen into the urban tribes;³⁰ had he not done this, the State, which we are now barely managing to preserve, would have ceased to exist long ago. His sons, on the other hand, were accomplished speakers and equipped for speaking with all the instruments that talent and instruction can offer. But while the community they took over was in a most flourishing condition thanks to their father's counsel and their grandfather's arms,³¹ they shattered the State by what you maintain is a

²⁹According to tradition, Rome was governed by kings from its foundation by Romulus in 753 BC. The last king, Tarquin the Proud, ruled like a tyrant and was expelled by Lucius Junius Brutus in 509. At his expulsion, the magistracy of the consulship was created, and the highest authority in the State was given to the two annually elected consuls.

³⁰Tiberius Sempronius Gracchus was censor in 169–168 BC; in 168 he instituted a measure that (with some exceptions) restricted the registration of freedmen (i.e., of slaves set free by their masters) as citizens to the four urban tribes. The details are obscure, but it seems that from then on, this rule was followed, though several attempts were made to alter the arrangement (see Treggiari 1969: 43–51). Since there were 35 tribes, and voting was conducted tribe by tribe, the measure served to limit the political influence of these ex-slaves (many of whom were of non-Roman origin).

³¹Their mother Cornelia was the daughter of Scipio Africanus Maior, who defeated Hannibal in 202 BC.

splendid guide of communities, by eloquence.³² What about our ancient laws and ancestral tradition? What about the auspices over which both of us, Crassus, preside to the great benefit of the State?³³ What about our religious customs and ceremonies? And what about the civil law, in which our family has already been engaged for a long time without any reputation for eloquence? Were these things invented or mastered or even handled at all by your crowd of orators? I well remember that Servius Galba, a brilliant speaker, and Marcus Aemilius Porcina, and Gaius Carbo, the man whom you struck down when you were young, were all ignorant of our statutes, at a loss about our ancestral customs, and knew nothing of the civil law. And as for your own generation, you are an exception, Crassus (and you have learned civil law from us owing to your own dedication, rather than because it is one of the tasks required of an accomplished speaker); but your contemporaries are so ignorant of the civil law that it sometimes makes me blush.

41–44 *Scaevola continues: the orator compared
with the philosophers*

“And as to the territory you appropriated at the end of your statement,³⁴ as if by right, declaring that the orator has the ability to express himself with all fullness in every discussion, whatever the subject of the conversation might be—were we not here in your own domain, I would not have put up with that. I would have dictated the legal formula to many who would contend with you in court for an injunction from the praetor, or who would summon you from court to engage in a struggle for ownership, because you had encroached so recklessly upon the possessions of others.³⁵ To begin with, all the Pythagoreans would call you into court, and the followers of Dem-

³²During their tribunates in 133 and 123–122 BC respectively, Tiberius and Gaius Gracchus initiated many measures that most of their fellow aristocrats regarded as subversive, such as “agrarian laws” that proposed redistribution of land.

³³Scaevola and Crassus were both members of the College of Augurs, and as such took the “auspices,” signs of the will of the gods interpreted from the flight of birds, thunder and lightning, etc.

³⁴Actually Crassus made this point in 1.32, *before* the argument that Scaevola addresses in 1.36–40.

³⁵In these sections, Scaevola treats Crassus’ description of an orator’s abilities as an unlawful encroachment upon other people’s territory, and employs the vocabulary of the law. As jurisconsult he threatens to instruct a mob of clients on the legal formula necessary for either of the two procedures mentioned. In the first, they would try to obtain a praetor’s injunction (*interdictum*) against Crassus, an order that secured possession of the disputed property. The second procedure, *conserere manum*, translated here as “struggle for ownership,” was the formal challenge over the ownership of an object. Originally the parties engaged in a conventional struggle before the praetor, bringing the actual object or a piece of it into court, and ceremonially laying their hands on it. Even after the procedure of a “struggle” was discontinued, the formal challenge was maintained.

- ocritus and the rest of the natural philosophers would legitimately seek reparation, men who are all distinguished and impressive speakers and with whom you could not contend successfully. The troupes of the other philosophers besides, starting right with the ultimate source of them all, Socrates, would press you hard. They would prove that you have learned nothing about the good in life, about the evil, about the emotions, about human character, about the conduct of life; that you have examined nothing about these things, that you know nothing about them at all. And after this collective attack, the individual schools would bring suit against you. The Academy would assail you, and would force you, whatever you had asserted, to deny it again.³⁶ Certainly our Stoics would hold you ensnared in the nets of their debating and questioning. And the Peripatetic philosophers would succeed in proving that even these things you assume to be the exclusive property of orators, the tools and ornaments of speaking, should actually be obtained from them; and they would demonstrate that Aristotle and Theophrastus have written not only better, but even much more on such topics than all the teachers of rhetoric put together. And I won't even mention the mathematicians, the grammarians,³⁷ and the music theorists: with their fields, that oratorical faculty of yours hasn't even the slightest thing in common. So I don't think, Crassus, you should make so many extravagant claims. The accomplishment you can guarantee³⁸ is great enough: that in court, the case you are pleading, whatever it is, will appear the stronger and more plausible; that in public meetings and when declaring your opinion in the Senate, your speech will have the most power to persuade; finally, that you appear to intelligent listeners to speak skillfully, to ignorant ones truthfully as well. If you are able to do any more than this, I will reckon that you have this capability not as an orator, but as Crassus, and that you owe it to your own special faculty, not to that common to all orators."

45–47 *Crassus begins his reply: his visit to Athens*³⁹

- 45 To this, Crassus made the following reply: "I am not unaware, Scaevola, that the Greeks commonly raise such arguments in their discussions. For I heard the most eminent among them when I, as quaestor, had come to Athens from Macedonia.⁴⁰ At that time, the Academy, led by Charmadas, Clitomachus, and Aeschines, was said to be flourishing. Metrodorus was there, too: together with these three, he had been an attentive pupil of Carneades him-

³⁶The Academy, the philosophical school founded by Plato, had adopted a sceptical position in the third century BC, and was therefore given to contradiction (cf. Introduction, pp. 21, 24).

³⁷For "grammarians," see Glossary.

³⁸Scaevola again employs legal terminology.

³⁹For a more detailed analysis of this difficult passage (45–73), see the Synopsis, p. 43.

⁴⁰Crassus had been quaestor in Asia in 111 BC, and afterward apparently returned to Rome via Macedonia and Athens. On the historicity of Crassus' meeting with these philosophers, see Introduction, pp. 17–18.

self, reportedly the most sharp-witted and copious speaker of all. Two others who were influential were Mnesarchus and Diodorus, the first a pupil of your friend, Panaetius, the other of Critolaus the Peripatetic.⁴¹ There were also many other quite illustrious philosophers, and I saw that all these people, almost in chorus, drove the orator from the helm of State, and excluded him from all learning and from knowledge of the more important subjects, pushing him aside and confining him only to the courts and petty public meetings, like a slave put to a treadmill. But I agreed neither with them nor with the unsurpassed master of impressive eloquence, Plato, who invented this line of argument. During this stay in Athens, I read his *Gorgias* with some care, together with Charmadas. In this work I particularly admired Plato for the way in which, while making fun of orators, he appeared to be a supreme orator himself.⁴² It is, after all, really a fight over a mere word that has been tormenting those petty Greeks for such a long time, fonder as they are of an argument than of the truth.

48–57 *Crassus: the orator needs much knowledge, no matter which of the two interpretations of his task is preferred*

“For if someone wants to define the orator as one who can speak with fullness only before a praetor⁴³ or a jury or before the people or in the Senate, then he must still concede that this same orator should be granted many qualities. After all, to be engaged with sufficient resourcefulness and expertise even in these fields alone is impossible without having thoroughly examined public affairs of all sorts, without knowledge of statutes, tradition, and law, and without an understanding of human character and behavior. But if someone has actually learned all this (and without it no one can handle even the smallest elements of a case adequately), can he be said to lack in any way knowledge of the most important matters?

“If, however, you want to restrict the task of the orator to speaking in a well-ordered, distinguished, and abundant fashion, how could he achieve even this without the knowledge that you and all those others refuse to grant him? For excellence in speaking cannot exist unless the speaker has grasped the subject he will speak about. If, therefore, Democritus, the renowned natural philosopher, spoke with distinction (as I think is rightly said about him), the material he spoke about belonged to the province of the natural philosopher, but the actual distinction of his language must be considered the property of the orator. If Plato spoke on subjects far removed from judicial and

⁴¹Panaetius had been head of the Stoic school, and Mnesarchus was therefore a Stoic (and possibly Panaetius’ successor as head of the school). Thus, Crassus mentions representatives from each of the three philosophical schools most involved in the quarrel (Academy, Stoa, and Peripatos; cf. Introduction, pp. 21–22).

⁴²For the role of Plato in the dispute between rhetoricians and philosophers, see Introduction, p. 24.

⁴³“Before a praetor” refers to the first stage of a civil procedure; see note 119 at 1.166.

- political controversy with the voice of a god (as I concede), and if, likewise, Aristotle and Theophrastus and Carneades were eloquent in the matters that they discussed, and spoke with charm and distinction, then let it be admitted that the subjects of their discussions are at home in certain other pursuits, but surely their speech itself is the special and exclusive property of this art of oratory that we are examining. Indeed, we see that the discussions of these same subjects by certain others are barren and dry, such as those by Chrysippus, a man, so they say, of extremely keen intellect; yet the fact that they had no ability in this art of speaking (which, after all, belongs to others), did not mean that they failed to satisfy the demands of philosophy. What, then, is the difference, and how do you distinguish the richness and fullness of those mentioned earlier from the dryness of those who do not employ this refinement and variety of speech? Surely it is one particular quality that marks good speakers: speech that is well ordered, distinguished, and characterized by a particular kind of artistry and polish. And unless the orator has fully grasped the underlying subject matter, such speech is utterly impossible—or at best everyone will make fun of it. For what can be more insane than the hollow sound of even the best and most distinguished words, if they are not based upon thought and knowledge? Thus, whatever the theme may be, from whatever art or from whatever area, when the orator has learned about it just as he learns about a case from his client, he will address the subject better and with greater distinction than even the expert who invented it can.
- “I realize someone may say that only certain pronouncements⁴⁴ and cases, and only knowledge that is restricted by the barriers of the forum, are the special property of orators, and I certainly admit that our oratorical activities are in general more often involved with these. All the same, even here there is much that these so-called rhetoricians do not teach, or even understand. For everyone knows that the power of an orator is most manifest in dealing with people’s feelings, when he is stirring them to anger or to hatred and resentment, or is calling them back from these same emotions to mildness and compassion. And this will only be accomplished by someone who has gained a thorough understanding of human character and the whole range of human nature, and of the causes by which feelings are stirred or calmed—otherwise, his speech will not achieve its purpose. All the same, this whole subject is generally considered the property of the philosophers, and I will never support an orator who challenges their claim. But, although he will leave the investigation of such things to the philosophers (because they have chosen to concentrate on this alone), the treatment of them in speech, which is totally impossible without this kind of knowledge, he will still claim for himself. For this, as I have already repeatedly said, is the orator’s own province: impressive and distinguished speech that is adapted to the way most people think and feel. I acknowledge that Aristotle and Theophrastus have written about all this; but I’m afraid, Scaevola, that this

⁴⁴“Pronouncements” translates *sententiae*, which indicates pronouncements made in the Senate or in a public meeting.

point is wholly in my favor. For what the orator and they share, I need not borrow from them, whereas they do admit that what they have to say about such matters belongs to the orators; it is for this reason that they call their other books by the name of the subject involved, but entitle these books *On Rhetoric*, and refer to them as such.⁴⁵ Indeed, when it happens, as it often does when we are speaking, that we have to take up general subjects, and talk about the immortal gods and dutifulness, harmony and friendship, laws concerning the citizens, concerning human beings in general, and the law valid for all nations, equity, self-control, greatness of spirit, and every kind of virtue, then, I suppose, all the gymnasia and all the schools of the philosophers⁴⁶ will cry out that all these topics belong to them and are not the orator's business. Well, I give them leave to discuss such matters in their secluded corners,⁴⁷ just to pass their leisure time. Yet I will definitely grant the orator this role: to take the same themes about which they debate in plain and meager language, and develop them with all the attractiveness and dignity he can muster.

"All this I personally discussed with the philosophers themselves while I was in Athens, for our friend Marcus Marcellus urged me to do so. He is now serving as curule aedile, and if he were not putting on the games at this moment, he would surely be taking part in our conversation.⁴⁸ At that time he was a young man, but already remarkably dedicated to these pursuits.

58–73 *Crassus restates his position from several perspectives*

"But now, on the subjects of legislation, war, peace, allies, those paying taxes, and the description of the rights of citizens according to property and age classifications, the Greeks, if they wish, are welcome to assert that Lycurgus

⁴⁵Crassus' argument is as follows: the orators and the philosophers share the subject of human nature and the emotions, as well as many general subjects that the orator treats in his speech; these are thus proven not to be alien to the orators. But the actual treatment of such material in speech belongs exclusively to the orators. The latter point is then confirmed by reference to the titles of Aristotle's and Theophrastus' books: generally, these were not about disciplines with specific practitioners but about (philosophical) subjects (e.g., *On Justice*), but their books on speaking were called "rhetorical (books)," i.e., books on "the art of the *rhetor* = speaker." This shows that the material on speaking belongs to the orators and not to the philosophers.

⁴⁶Both these expressions refer to protests from the philosophers, since philosophers often gathered and taught in gymnasia (for details about gymnasia, see Glossary).

⁴⁷This proverbial taunt of the impractical and secluded life of the philosopher goes back to Plato, *Gorgias* 485 D, where Callicles contemptuously describes the philosopher as "spending the rest of his life whispering in a corner with three or four lads." Since Callicles is there portrayed as being in the wrong, our passage is most probably an ironical rejoinder to Plato.

⁴⁸Marcellus here functions as a link between the debate in Athens and the present discussion in Tusculum, while at the same time reminding the reader of the dialogue's historical setting during the Roman Games (*Ludi Romani*).

and Solon (who I still believe should certainly be ranked among the eloquent) had better knowledge than even Hyperides or Demosthenes, both consummately polished speakers. Or let our countrymen, in this field, rank the Board of Ten, the drafters of the Twelve Tables and surely wise men, above both Servius Galba and your father-in-law Gaius Laelius, who, as everyone agrees, earned outstanding glory as speakers. I shall never deny that there are particular pursuits that belong to those who have invested all of their energy in examining them and dealing with them; but I do maintain that the complete and perfect orator is he who can speak about all subjects with fullness and variety. In fact, even in those cases that everyone admits to be the domain of the orators, there is often some element that cannot be derived from experience in the forum (the only province that you grant them), but must be taken from outside, from some more obscure branch of knowledge. For let me ask you, is it really possible to support or oppose the military command of a general without experience in military affairs, or actually, in many cases, without geographical knowledge of lands and seas?⁴⁹ Can one speak before the people on ratifying or rejecting laws, or address the Senate on all dimensions of public affairs, without the deepest knowledge and understanding of political matters? Can speech be applied to kindle the emotions or to quench them again—precisely the thing most essential for an orator—without having investigated with the utmost care all the theories that the philosophers have developed about human character and behavior? You will, I'm afraid, be even less easily persuaded of another point; still I will not hesitate to give you my opinion. Physics, which you mentioned, and the subjects that you posited just now as the special property of mathematics and of the other arts, do belong to the expertise of those who make them their profession; yet if anyone wishes these same arts to be elucidated in speech, he must resort to the skill of the orator. For instance, if it is true that Philo, the architect who designed the arsenal for the Athenians, expressed himself quite fluently when he gave an account of his plans before the people, we must not attribute this fluency to the craft of the architect rather than to that of the orator. And if Marcus Antonius here had been called upon to speak on behalf of Hermodorus about his work on the dockyards, he then, after learning about the circumstances from him, would not have failed to speak with distinction and fullness about another man's craft. Again, Asclepiades, whom I knew as a doctor and as a friend, at the time he surpassed the other doctors in eloquence, did not employ his skill in medicine when speaking with such distinction, but rather his faculty for eloquence. In fact, what Socrates used to say, that all people are sufficiently eloquent about what they know, is quite plausible, but nevertheless untrue. It is nearer the truth to say that no one can express himself well without knowing his subject; nor will anyone, if he knows a subject intimately but

⁴⁹Cicero's readers would perhaps recall that in 66 BC, he (along with Caesar) had spoken on behalf of the Lex Manilia, which conferred on Pompey the command in the East against Mithradates and Tigranes, and granted him *imperium* over all the provinces of Asia Minor.

is ignorant about how to fashion and polish his speech, be able to express himself well about the very subject he knows. Accordingly, then, if we want to capture the true meaning of the word 'orator' in a complete definition, it is my opinion that an orator worthy of this grand title is he who will speak on any subject that occurs and requires verbal exposition in a thoughtful, well-disposed, and distinguished manner, having accurately memorized his speech, while also displaying a certain dignity of delivery.⁵⁰

"If anyone thinks that my claim about speaking 'on any subject' is too unrestricted, he may trim and prune away from it as much as he sees fit. Yet I shall hold on to one thing: suppose the orator knows only about what occurs in the practice of judicial and political disputes, but is ignorant of the subject matter of the other pursuits and arts; even then, if he should be required to speak about these very subjects, the orator, once he has been instructed about the contents of each field by those who do know it, will speak far better than the experts in those arts themselves. For example, if Sulpicius here will be required to speak about military affairs, he will ask my relative Gaius Marius⁵¹ about it, and once he has been instructed, he will express himself in such a way that even Marius will have the impression that Sulpicius knows these things almost better than he does. If the topic is civil law, he will consult with you, and despite your exceptional understanding and experience, he will, through his oratorical skill, surpass you in the very matters he has learned from you. And should an occasion arise in which he must speak about human nature and its vices, about desires, moderation, self-control, pain, or death, he will, if he sees fit—but the orator should certainly have knowledge of all this,—consult with Sextus Pompeius, who is quite knowledgeable about philosophy. One thing he will certainly accomplish: whomever he consults, and whatever the subject may be, he will speak about it with much more distinction than the very person who has instructed him. But perhaps he will listen to my advice: seeing that philosophy is divided into three parts, the mysteries of nature, the subtleties of dialectic, and the study of human life and conduct, we may give up the first two as a concession to our laziness—but if we don't hold on to the third part (which has always belonged to the orators), we will leave the orator nothing in which he can be truly great. For this reason, this entire topic of human life and conduct must be thoroughly mastered by the orator. As to other subjects, even if he has not learned about them, he will, whenever the need arises, be able to give them distinction by his speech, if only the material has been handed over to him. Indeed, if scholars agree that a man who knew no astronomy, Aratus, spoke about the heavens and the stars in very fine and distinguished verses, or that Nicander of Colophon, a complete stranger to country life, wrote splendid lines on farming by virtue of the skill of a poet, not that of a farmer, I don't see why an orator couldn't speak eloquently

⁵⁰Crassus here refers to the five traditional "activities" of the orator; see Introduction, p. 29(ff.).

⁵¹Marius was related to Crassus because his son Gaius Marius (consul in 82 BC) had married Crassus' daughter, Licinia, in or soon after 95 BC.

- 70 about what he has learned for a particular case or occasion. The poet, after all, closely resembles the orator. While the former is slightly more restricted as to rhythm, and enjoys greater license in his choice of words, they have an almost equal share in many of the devices of style. And however that may be, the poet is certainly almost identical to the orator in this respect: he does not restrict or confine his right of possession by any boundaries that will prevent him from wandering—employing this same ability to express himself copiously—wherever he wishes to go.
- 71 “As for your declaration, Scaevola, that if you were not in my own domain, you would not have put up with my statement that the orator should be perfectly accomplished in every kind of conversation and in all aspects of human culture⁵²: I would surely never say this if I thought myself to be
- 72 the man I am here portraying. But I agree with what Gaius Lucilius often used to say—he had some hard feelings toward you, and for that reason was not as close to me as he wished, but he was still a learned and very cultured man.⁵³ He said that no one should be ranked an orator who is not thoroughly accomplished in all arts that befit a gentleman.⁵⁴ Even if we do not employ these arts when speaking, still it is quite apparent whether we are ignorant
- 73 of them or have actually learned about them. Those who play ball do not in the game itself use the skills peculiar to the palaestra,⁵⁵ but by their very movements betray whether or not they have learned the exercises of the palaestra; those who are sculpting something cannot hide whether or not they know how to paint, even though they are not in any way using the art of painting at that time; and it is just the same for what we are now talking about, the speeches before the courts, public meetings, and the Senate: although the other arts are not employed directly, it is nevertheless readily evident whether the one who is speaking has merely been jostled about while training his voice in one of the common rhetorical workshops, or has applied himself to speaking only after he has been fitted out with all the noble arts.”

74–79 *Conclusion of the debate between
Crassus and Scaevola*

- 74 Scaevola laughed, and said: “I am not going to wrestle with you any longer, Crassus. In fashioning this whole reply of yours, you have resorted to some sort of trick: you did agree with me about the things that I refused to allow as part of the orator’s province, but then you managed somehow to wrench these same things away from me again, and hand them over to the orator

⁵²See 1.35 and 41.

⁵³The poet Lucilius, in the second book of his *Satires*, had ridiculed Scaevola in connection with an extortion trial in 119/118 BC (cf. *ROL* II, pp. 18–31).

⁵⁴As in 1.17, literally “free man.”

⁵⁵In the palaestra, one exercised in running, wrestling, boxing, jumping, javelin throwing, etc.; cf. Glossary.

as his own property. When I was praetor and was visiting Rhodes,⁵⁶ I discussed the arguments I had heard from Panaetius⁵⁷ with Apollonius, that distinguished teacher of your rhetorical discipline. What he did was to mock philosophy and to scorn it, as he used to, and many of his remarks, rather than being serious, were made in a spirit of jest. Your argument, however, was of a different sort, for you scorned no art or branch of learning, but claimed them all as the companions and attendants of the orator. Surely, if a single individual should master all of these, and should also join to them this faculty for distinguished speech, he would be an exceptional and admirable human being—I will not deny that. But such a man—if there were, or ever had been, or ever could be such a man—would surely be you alone. For in my judgment as well as everyone else's, you have left the other orators—with all due respect to those present—scarcely any possibility for winning glory. But if even you yourself, though you have a complete knowledge of political, judicial, and civil affairs, have not embraced all the knowledge that you assign to the orator, let's be careful not to attribute to him more than reality and truth itself allow."

To this Crassus replied, "You must remember that I have not been talking about my own ability, but about the ability of the true orator. For what did I learn, or what did I have any chance of knowing? I entered an active life of pleading cases before I had begun acquiring knowledge, and my actual practice in the forum, in campaigning for office, in affairs of State, and in my obligations to friends, exhausted my energies before I could even begin to have an inkling about such lofty subjects. So, as you think, I may not have been totally devoid of talent, but I certainly lacked instruction, leisure time, and—oh yes—that passionate enthusiasm for learning. If you still find so much merit in me, don't you see what a truly great sort of orator we will have if someone perhaps more talented than I should in addition master these things, which I have not even touched?"

80–95 *Antonius reacts: his own visit to Athens;
the arguments of Charmadas*

Then Antonius entered the discussion. "I am convinced, Crassus, by what you say, and I have no doubt that, if someone should acquire a knowledge extending over the principles and nature of all objects and arts, we would have a much more copious speaker. But first of all, this is a difficult thing to accomplish, especially considering the life we lead, with all of its obligations. Secondly, there is a real danger of being drawn away from the popular way of speaking that we normally use in the forum. For the people you discussed a little earlier seem to me to speak in a manner that is quite different from that, however distinguished and impressive their talk about the

⁵⁶120 BC.

⁵⁷Obviously antirhetorical arguments like those of his pupil Mnesarchus (1.45–46).

nature of the universe and about human affairs may be.⁵⁸ The language they use is lustrous and exuberant, but more characteristic of the palaestra⁵⁹ and its ointment than of the chaotic life of politics and the forum.

- 82 "I myself came to Greek learning late in life, and have had only superficial contact with it. Nevertheless, when I had arrived at Athens on my way to Cilicia as proconsul⁶⁰ and had to stay there for several days because the weather was poor for sailing, I spent my time in the company of very learned men every day—more or less the same people you named a while ago.⁶¹ Because somehow or other the report had spread among them that, like you, I was regularly involved with trials of considerable importance, each of them, from his own point of view, discussed as fully as he could the duty and
- 83 properties of the orator. Some, such as this same Mnesarchus you mentioned, declared that those we call orators were actually nothing but laborers with quick and well-trained tongues, and that no one was an orator unless he was wise; that eloquence itself, because it consisted in the science of speaking well, had its own place among the virtues, and that someone who possessed one virtue possessed all virtues, which were equal and equivalent among themselves; and that therefore, someone who was eloquent possessed all virtues, and was wise.⁶² But this argument was quite thorny and meager,
- 84 and completely out of touch with the way we think. Charmadas, however, spoke with much greater fullness on the same topic, though not in order to reveal his own opinion—for this was the inherited custom of the Academy, always to oppose all comers in a debate. But on this occasion, he did suggest that those who were styled rhetoricians and taught rules of speaking had no clear understanding of anything, and that no one could acquire skill in speaking unless he had first learned about the ideas of the philosophers.
- 85 "Some Athenians, able speakers actively engaged in politics and the courts, argued against this view—among them my friend Menedemus, who was my guest when he was visiting Rome not long ago. When he said that there actually was a particular expertise that dealt with examining the methods of founding and governing states, Charmadas (always ready to react, bursting with every kind of erudition, and having a really incredible com-

⁵⁸Antonius refers to the eloquent philosophers mentioned in 1.49 and suggested in 1.61.

⁵⁹See Glossary.

⁶⁰In 102 BC Antonius, then praetor, received a "proconsular" command (i.e., a command with the authority of a consul) to fight the pirates in Cilicia (the southeast of Asia Minor), which he successfully concluded in 100. His visit to Athens is again mentioned in the same connection in 2.2–3.

⁶¹See 1.45. On the historicity of Antonius' meeting with philosophers, see Introduction, pp. 17–18.

⁶²Mnesarchus, a Stoic (see 1.45), is given a "typically Stoic," intricate argument. He first contrasts the usual conception of the orator with the standard Stoic doctrine that only the wise man is a true orator. Then, using a syllogism, he demonstrates this doctrine by means of two other standard doctrines, namely that eloquence is a virtue, and that all virtues are equal.

mand of a variety of subjects) was immediately provoked. He demonstrated that, on the contrary, all aspects of such expertise had to be acquired from the philosophers; and that the practices that are established in a state concerning the immortal gods, concerning the education of the youth, concerning justice, endurance, self-control, and moderation in all things, and everything else that is essential for the existence or the sound moral condition of a community, were not discussed anywhere at all in the trivial handbooks of the rhetoricians. If those teachers of rhetoric covered such a huge number of the most important subjects in their systems, he inquired, why were their books crammed with talk of prooemia and epilogues⁶³ and other nonsense of that sort⁶⁴—that was the word he used,—while not a single syllable was to be found in their treatises about establishing communities and drafting laws, about equity, justice, and the fulfillment of obligations, and about quelling passions and building human character? He would also mock the rhetorical precepts themselves, showing that their authors were not only devoid of this expertise they laid claim to, but that they did not even know the very principles and methods of speaking. For in his opinion, it was fundamental for an orator, in the first place, to give his audience precisely the impression of his own person that he wanted—something achieved through one's personal reputation, and about this, those teachers of rhetoric had left not a clue in their precepts. In the second place, those who were listening to him should be emotionally affected in the way the orator wanted them affected—which was likewise something that could not possibly happen, unless the speaker had learned in how many ways, by what means, and by what sort of speech human feelings might be moved in one direction or another; and this knowledge, he said, was deeply concealed within the very heart of philosophy, and those rhetoricians had not so much as touched it with the tips of their tongues.⁶⁵

"When attempting to refute these views, Menedemus relied on examples rather than arguments. Reciting by heart many brilliant passages from Demosthenes' speeches, he demonstrated that this orator, when moving the hearts of jurors or the people in any direction he desired, was quite aware by what means he accomplished this; and this was knowledge that Charmadas denied anyone could possess without philosophy. Charmadas replied

⁶³See Introduction, pp. 28–29.

⁶⁴Charmadas' criticisms of the rhetoricians are strongly reminiscent of Plato's (note that he has been clearly associated with Plato's *Gorgias* in 1.47): with "prooemia . . .," cf. *Phaedrus* 266 D; with the requirements for the use of the emotions in 1.87, *Phaedrus* 270 B–272 B; and with 1.92, *Gorgias* 455 A and *Phaedrus* 259 E–262 C (and 272 D–274 A).

⁶⁵Charmadas' criticisms in 1.87 allude to the Aristotelian concepts of *ethos* and *pathos* (persuasion through character and through emotions), which Cicero will employ in the second book (see Introduction, pp. 30–32, 34–35). Since the Aristotelian approach of employing these concepts on this very general level was virtually unknown in his time, it is doubtful whether the criticisms of the historical Charmadas can actually have been formulated in this way (cf. Wisse 1989: 164–175); they were probably dominated by the Platonic elements that are also present in our passage (see previous note).

that he did not deny Demosthenes had possessed extraordinary expertise and enormous oratorical force. But, whether he owed these qualities to his native ability, or to the generally acknowledged fact that he had been a zealous pupil of Plato's,⁶⁶ the question at issue was not the particular case of Demosthenes and what he was able to do, but rather what those rhetoricians were teaching.

- 90 "Often he was even carried away by his own argument so far as to contend that an art of speaking did not exist at all. And after he had demonstrated this with arguments (first, that we are born with the ability to do all the things for which the oratorical faculties are employed: to flatter humbly those from whom something must be obtained and to terrify menacingly our adversaries, to describe what has happened, to prove our claims, to refute counterarguments, and then to end with entreaties and appeals for mercy⁶⁷; and secondly, that it is habit and practice that sharpen the keenness of our understanding and quicken our verbal fluency), he also supported
- 91 his case with an abundance of examples. In the first place he asserted that none of the writers of rhetorical handbooks—as if they were doing this on purpose—had been even a moderately accomplished speaker, all the way back to certain people called Corax and Tisias who, he said, were generally acknowledged to have been the inventors and founders of this art. And on the other hand he named really eloquent men, actually a countless list of them, who had never learned those rhetorical precepts, or shown the slightest interest in doing so. And among the latter group of examples, either by way of a joke, or because he had heard and believed this to be the case, he even mentioned me as someone who had not learned these things, but still, as he said, had considerable ability as a speaker. For my part, I readily agreed with his first point, that I had never learned anything; but as for the second,
- 92 I felt he was poking fun at me, or was simply mistaken. According to Charmadas, nothing could be an art unless it consisted of matters that were known and thoroughly scrutinized, directed toward one end, and completely certain.⁶⁸ All the subjects dealt with by the orators, however, were doubtful and uncertain, since the speakers understood none of them accurately, and the listeners were not to be given real knowledge, but merely an opinion for the moment, false, or at best unclear.

- 93 "Why say more? He seemed to me, on that occasion, to demonstrate persuasively that no art of speaking existed, and that no one could speak re-

⁶⁶Demosthenes' (unhistorical) apprenticeship with Plato was generally accepted in antiquity; there existed a spurious letter of Demosthenes confirming it (see, e.g., Cicero, *Brutus* 121). This relationship was probably much used by philosophers as an argument against the rhetoricians, as it is here (see e.g., Philodemus, *On Rhetoric* I, 350–351 Sudhaus).

⁶⁷This list reflects the traditional terminology and order of the parts of a speech as found in the typical rhetorical handbook; see Introduction, pp. 28–29.

⁶⁸This definition of "art" was originally Stoic, but was widely accepted (see Introduction, pp. 23–25 with note 29). Especially Stoic was the emphasis on certain knowledge (cf. 1.83), as well as the following contrast with mere opinion. See also 1.108 below.

sourcefully or copiously, unless he had become acquainted with the teachings of the most learned in the field of philosophy. And Charmadas, expressing a tremendous admiration for your talents, Crassus, used to add that he found me to be a very easy listener, but you a very aggressive debater. And so, led by this same view, I even wrote—in some little book that, without my knowing or wishing it, slipped away from me and found its way into people's hands—that I had come across a number of skillful speakers, but never yet one who was truly eloquent.⁶⁹ For I declared that the skillful speaker was someone who could speak with reasonable intelligence and clarity before ordinary people in accordance with generally accepted views, but that the eloquent speaker was someone who could amplify and give distinction to whatever he wished in a more marvellous and magnificent way, and whose intellect and memory encompassed all the sources of all the subjects that had any bearing on oratory. If such a level is difficult for us to attain, because we are overwhelmed by the demands of campaigning and of the forum before we have begun to learn, let us nevertheless grant that this is what is implied by the nature and essence of eloquence. For personally, insofar as I can predict on the basis of the abundant talent I see in our fellow citizens, I do not despair that there will be someone, someday, with keener enthusiasm than I have or have had, with more leisure time and greater and earlier opportunities for learning, who will apply himself with more industry and harder work. And after devoting himself with greater effort to listening, reading, and writing, he will emerge as the kind of orator we are looking for—an orator who may rightly be called not just an accomplished speaker, but an eloquent one. Yet I think that this orator is perhaps already among us in the person of Crassus, or else that anyone who may come forward, possessing equal talent but having heard and read and written more than our friend here, will be able to 'improve upon Crassus' achievement only a little."

96–101 Interlude

At this point Sulpicius said, "Cotta and I were not expecting this to happen, but we were both certainly hoping that your conversation would eventually turn in this direction, Crassus. We were actually thinking on our way here that it would be pleasing enough for us to be able to pick up something to remember from your conversation, even if you were talking about other things; but that you should become deeply involved in such a discussion, coming so near the heart of this practice or art or faculty of speaking, that seemed to us something hardly to be hoped for. I've been inspired with a warm enthusiasm for each of you⁷⁰ from the time I was a boy, and even with a deep affection for Crassus, and I never left his side; still I could never get

⁶⁹Antonius' "little book" (*libellus*) is no longer extant; it is also mentioned in 1.206, 208; 3.54, 189; cf. also, e.g., *Orator* 18 and 69. Note that Cicero suggests a parallel with his own immature *On Invention* as mentioned in 1.5.

⁷⁰I.e., for Crassus and Antonius.

a single word out of him about the nature and methods of oratory, although I pleaded with him personally and often tried to influence him through the agency of Drusus. In this respect, Antonius, really, you never failed to answer my many questions, and you have instructed me quite often about the principles that guided your oratory. But now, since both of you have opened the door to the very things we are looking for, with Crassus even being the first to begin this conversation, please do us the favor of going on and telling us precisely what you think about every aspect of oratory. If the two of you can be persuaded to do this, I shall be immensely grateful to this palaestra and Tusculan estate of yours, and I shall rank your gymnasium here in Rome's countryside far above those of the Academy and the Lyceum."⁷¹

"Ah, Sulpicius" Crassus replied, "let us rather ask Antonius. He has the ability to comply with your wishes, and as I now hear from you, is actually in the habit of doing so. For I have always avoided all conversations of this sort, and I have, time and time again, declined your requests and urgent appeals, as you yourself have just indicated. I did this not out of arrogance or want of courtesy, nor because I was unwilling to gratify your entirely legitimate and admirable enthusiasm—especially since I had recognized that you were born with talents that made you most uniquely suited for oratory. My reason, I assure you, was my unfamiliarity with such discussions and my lack of skill in dealing with the things that are taught as though they constituted an art."

Here Cotta intervened: "We have accomplished what we thought would be our most difficult task, that you should talk about this subject at all, Crassus. About the rest, then, we will only have ourselves to blame now if we let you get away without fully answering all of our questions." "Surely only about such points," said Crassus, "'as lie within my knowledge and ability,' as the formula goes in accepting an inheritance." "Of course," Cotta replied, "for none of us would be so presumptuous as to claim for himself ability and knowledge about what is beyond your knowledge and ability. So we'll indeed go along with your condition." "Well," said Crassus, "if I am allowed to say that I lack the ability whenever I do, and to confess not to know what I do not know, then you are allowed to question me as much as you like."⁷²

⁷¹A palaestra ("wrestling ground," etc.; cf. Glossary) was usually located in a gymnasium, and gymnasia were often gathering places for philosophers and their pupils (cf. 1.56 and note 46). The Academy and the Lyceum were originally the gymnasia where Plato and Aristotle taught. Sulpicius' remark will have reminded the readers that Cicero himself had two gymnasia on the grounds of his Tusculan estate, which he had named "Academy" and "Lyceum"! (Cf. Görler 1988 [1989]: 222–224.)

⁷²Our division of the text among the speakers differs from the traditional one (which is untenable; see LP) as well as from the alternative offered by LP.

102–113a *Preliminary question: is there
an “art” of speaking?*

“Actually,” said Sulpicius, “the first question we ask you is this: what is your opinion about the point Antonius discussed just now? Do you believe there is such a thing as an art of speaking?” 102

“What is going on here?” exclaimed Crassus. “Are you treating me like one of those idle and jabbering little Greeks—learned and well read as they may be—, posing me a trivial question on which to talk any way I like? Do you imagine I have ever cared for such matters, or given them any thought; that I haven’t, rather, always poked fun at the cheek of those people who take a seat in a lecture hall and invite anyone from the enormous crowd to come forward with any question he might like to pose? They say that the first to have done this was Gorgias of Leontini. He was thought to undertake a tremendous task when he claimed that he was ready to address all subjects about which anyone wished to hear. Later on, however, this custom became widespread, and people are still practicing it today: there is no subject vast enough, or unexpected enough, or novel enough to keep them from proclaiming that they will say everything that can be said about it. Now if it had occurred to me that you, Cotta, or you, Sulpicius, wanted to hear about such matters, I would have brought some Greek here to amuse us with disquisitions of that sort. And this can easily be managed, even now. For at the house of Marcus Piso, a young man already devoted to our pursuit,⁷³ who is quite gifted and also very well disposed toward me, there lives Staseas the Peripatetic. I know him fairly well and, as the experts apparently agree, he is the leading figure in this area.” “What’s this talk about some Staseas, about some Peripatetic?” Scaevola said. “You must let these young men have their way, Crassus. They are not after the everyday, theoretical jabber of some Greek, or a refrain from the lecture halls. It is the wisest and most eloquent man of all, who does not concern himself with trivial handbooks, but who, in counsel and speech, is the leading figure in affairs of the greatest consequence in Rome, the seat of power and glory, the man in whose footsteps they wish to follow—it is *his* opinion they are asking for. Personally, though I have always considered you a superhuman speaker, still I have always ranked your kindness at least as high as your eloquence. And now is a particularly fitting time to display this quality, instead of evading the discussion that these two eminently gifted young men are eager for you to begin.” 103 104 105 106

“Well, I am certainly going to do my very best,” he replied, “to oblige your friends, and they will not find me reluctant in relating, in my own brief fashion, what I think about every point. To this first question (for I do not think it right for me to disregard your authority, Scaevola), my answer is as follows: I believe that there is no art of speaking at all, or only a very insubstantial one; but that the entire controversy is one between learned men, 107

⁷³I.e., eloquence.

108 based on a fight over a mere word.⁷⁴ For if art is defined in the way that Antonius described a little while ago,⁷⁵ as consisting of matters that are thoroughly scrutinized and clearly known, and that are beyond the control of mere opinion, but grasped by exact knowledge, then it seems to me that an art of oratory does not exist. After all, every aspect of our judicial and political speaking is variable and adapted to an ordinary and popular way of thinking. If, however, the procedures that have been followed in the actual practice of speaking have been observed and recorded by skilled and experienced people, and described through definitions, and clarified by division into classes and subclasses—and all this has obviously been possible,—I don't see why this shouldn't be called an art, if not according to that precise definition, then at least in the ordinary sense in which we use the word. At any rate, whether this is an art or just a semblance of an art, we must certainly not neglect it, but at the same time we should realize that certain other things are more important for the attainment of eloquence."

110 Here Antonius declared that he agreed wholeheartedly with Crassus: he was right neither to endorse art as much as those people always do, who make the entire power of speaking dependent upon it, nor, on the other hand, to dismiss it entirely, as most philosophers have done. "But I am quite sure, Crassus," he continued, "that you will do these two a favor if you explain what those things are that, in your opinion, can be more profitable for speaking than art itself can."

111 "I shall certainly tell you, now that I have started," Crassus replied, "but please, don't tell people about my foolishness. Actually, though, I shall see to it myself that I do not give the impression of speaking like a teacher or a specialist, but as one of those who wear the toga⁷⁶ and as an average, but not wholly uneducated man, who has gained experience in the forum; as someone who has not offered to give you his views of his own accord, but
112 who has become involved in your conversation by accident. Indeed, whenever I ran for office, I always sent Scaevola away while I was canvassing, telling him that I wanted to act foolishly—that is, I wanted to win support by using a little flattery, something you cannot do well without making a fool of yourself,—and saying that he was the last man in the world in whose presence I wanted to play the fool. Yet it is Scaevola whom fortune has now appointed as an eyewitness of my foolishness. For can anything be more foolish than speaking about speaking, inasmuch as speaking itself is never

⁷⁴This phrase is probably meant to recall 1.47, where Crassus used it with reference to the definition of an orator.

⁷⁵See 1.92.

⁷⁶I.e., the Romans; cf. Vergil's proud verse, *Aeneid* 1.282, *Romanos, rerum dominos gentemque togatam* ("lords of the world, the toga-bearing Romans," tr. Fitzgerald). The common rendering, "merely a Roman citizen," is based on a mistaken interpretation of *unus e togatorum numero*; see note 93 at 1.132.

anything but foolish, unless it is necessary?" "But do go on, Crassus," said Scaevola; "as to this liability you fear, I shall take responsibility for it."⁷⁷ 113

113b–121 *Natural ability: its importance*

"Well, then," said Crassus, "in my opinion it is, in the first place, natural ability and talent that make a very important contribution to oratory. And in fact, in the writers of rhetorical handbooks, whom Antonius mentioned a little while ago,⁷⁸ it was not knowledge of the principles and methods of speaking that was lacking, but rather native ability. For a certain quickness of the mind and intellect is required, which displays itself in the keenness of its thoughts, in the richness with which it unfolds and elaborates them, and in the strength and retentiveness of its memory.⁷⁹ And if there is anyone who thinks that these powers can be conferred by art (which is false: we ought to be well satisfied if art can kindle and stimulate them, but they surely cannot be implanted or bestowed by art, for they are all gifts of nature), then what about the qualities that no one doubts are innate: I mean flexibility of the tongue, the sound of the voice, powerful lungs, physical vigor, and a certain build and shape of the face and body as a whole. By this I do not mean to say that some people cannot be refined by art—for I am well aware that what is good can be made better by teaching, and that what is not very good can still somehow be honed and corrected. But there are certain people whose tongues are so faltering, whose voices are so harsh, or whose facial expression and bodily movements are so uncouth and rude that they can never enter the ranks of the orators, even if they are intellectually gifted and have a firm command of the art. On the other hand, some are so well suited in these same respects and so richly endowed with the gifts of nature that they seem not to have been born of human stock, but to have been fashioned by some divinity. 114 115

"It is a huge burden and a huge responsibility you undertake, when you claim that, before a vast assembly of people where all others stand silent, you alone are to be heard on affairs of the highest importance. For there is hardly anyone in such a crowd who will not notice the speaker's faults with a sharper and more discriminating eye than he does his merits; thus, whatever mistake he makes smothers even his points of excellence. By these arguments I am not implying that I want to deter young men from the pursuit of oratory altogether, should they happen to lack a particular natural endowment. For anyone can see that my contemporary, Gaius Coelius, a new 116 117

⁷⁷Here, as elsewhere (cf. 1.41 and note 35), the jurisconsult Scaevola employs legal terminology.

⁷⁸In 1.91

⁷⁹These requirements correspond roughly to four of the regular oratorical "activities" (see Introduction, p. 29 (ff.)): invention, arrangement, style, memory; sections 114b–115 cover the fifth, delivery.

man,⁸⁰ won highest renown precisely because of whatever modest speaking skills he has managed to achieve for himself; and everyone understands that your contemporary, Quintus Varius, an uncouth and ugly fellow, has attained considerable influence in our society precisely through whatever speaking ability he possesses. But because we are considering the orator as such,⁸¹ we must fashion, in our discussion, a picture of an orator free from all possible faults and endowed with all praiseworthy qualities. For even if the great number of trials, the variety of cases, and the disorder and crudeness that rule the forum nowadays offer room to even the most fault-ridden orators, that will be no reason for us to lose sight of our objective. By the same token, when we are dealing with the arts that do not aim at fulfilling practical needs but at a certain disinterested pleasure of the mind, how scrupulously and almost fastidiously we pass judgment on them! For in the theater there are no legal quarrels or disputes that force us to sit through a performance of bad actors, as there are in the forum, where we are compelled to put up with mediocre speakers. The orator, therefore, must scrupulously see to it not so much that he satisfies those whom he must, as that he wins the admiration of those who are free to make a disinterested judgment.

"And if you really want to know, I'll speak plainly and—being among very close friends—disclose an opinion that up till now I have always kept to myself, and thought it right to keep to myself. Unless they are nervous when they set out to speak and are upset while uttering their first words, I think that even the best orators, those who can speak with the utmost ease and distinction, are little less than shameless. Yet this cannot really happen, seeing that the better a man speaks, the more frightened he feels about the difficulty of speaking, the unpredictable outcome of a speech, and the expectations of the audience. A speaker, on the other hand, who can produce not a single utterance that is worthy of his case, worthy of the title of orator, worthy of his audience's ears, I think such a man is shameless, however agitated he may be during his speech. For it is not by feeling ashamed, but by not doing what is inappropriate that we must escape the label of shamelessness. A speaker, however, who has no sense of shame—as I see is the case with a great many orators—in my opinion deserves not only to be blamed, but even to be punished.⁸² For my own part, I very frequently ex-

⁸⁰For the meaning of "new man," see Glossary. In the *Brutus* (165), Cicero says that Coelius possessed extraordinary industry and personal qualities, and that his oratorical skills were just good enough to help his friends and sustain his senatorial position.

⁸¹The text here alludes to the title of our treatise, "*De oratore*," "On the Orator," which implies "On the Ideal Orator," that is, "On the Orator as Such" (Introduction, p. 3).

⁸²Crassus, then, mentions three types of orators: (1) excellent speakers who do not become agitated when beginning their speeches; if such existed, he would consider them shameless; (2) those who are not good speakers, but are nervous when speaking; these, too, are shameless; (3) speakers who have no sense of shame and, according to Crassus, are actually deserving of punishment.

perience what I always observe happening to you also: during the beginning of my speech I find myself turning deathly pale, and I tremble with my whole heart and in every limb. In fact, as a very young man, I was once so beside myself when opening the case for the prosecution that Quintus Maximus couldn't have done me a greater favor than when he adjourned the proceedings the moment he saw that I was incapacitated and unnerved by fear."⁸³

122–133 *Natural ability continued:
the demands on the orator*

At this point, all the others began to express their agreement, exchanging nods, looks, and comments. For there was an amazing kind of modesty⁸⁴ in Crassus, which, far from hindering his oratory, actually benefitted it by recommending his decency. 122

"I have often noticed, as you say, Crassus," Antonius said, "that both you and the other first-rate orators (though no one, in my opinion, has ever been your equal) are agitated at the beginning of a speech. And when I tried to think of a reason for this phenomenon, why it was that the greater the ability of an orator, the more frightened he felt, I found the following two explanations: first, because those who have learned the lessons of nature and experience realize that the outcome of a speech is sometimes not entirely satisfactory to the orator, even if he is first-rate; accordingly, they fear with good reason, whenever they speak, that what can happen at some time will, in fact, happen then. The second reason is this—it is something I often complain about. If, on some occasion, something in the performance of recognized and esteemed practitioners of the other arts does not meet their usual standards, they are thought to have failed in what they basically knew how to do because they didn't feel like it, or because they were prevented by ill health. People say, for example, 'Roscius didn't feel like acting today, or perhaps his stomach was upset.'⁸⁵ But if some mistake is noticed in the performance of an orator, people think it is due to stupidity. And for stupidity, there is no excuse, since people surely never suppose that someone was stupid because his stomach was upset or because he felt like it. On this account, the judgment to which we are subjected when speaking is actually more se-

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⁸³This was the prosecution of C. Papirius Carbo in 119 BC. Crassus was 21 years old at the time. Quintus Fabius Maximus, as praetor, presided over the court. Cf. 1.40, and Index at Carbo. Crassus' nervousness at the beginning of a speech, be it historical or not, reflects Cicero's own emotional state when beginning an oration (see e.g., *Divinatio against Caecilius* 41–42, *In defense of Cluentius* 51, *In defense of King Deiotarus* 1).

⁸⁴"Modesty" here renders the Latin *pudor*, the opposite of *impudentia*, which was translated by "shamelessness" in 1.120–121.

⁸⁵Roscius was one of the great actors of Cicero's time; see Index.

vere.⁸⁶ For we are judged every time we speak: if an actor makes just one mistake in gesture, people do not immediately conclude that he does not know how to make gestures; but if some fault is found with a speaker, he will earn a reputation for slow-wittedness that will last forever, or at least for a very long time.

- 126 "Now you also said⁸⁷ that there are quite a number of things that an orator must possess by nature, or else he cannot be helped much by a teacher—and really, I couldn't agree more. On this score, I had the greatest respect for the well-known and distinguished teacher, Apollonius of Alabanda. Though he taught for pay, he still did not allow those whom he judged incapable of becoming orators to waste their efforts with him, but sent them away, and he would urgently encourage them to take up that art for which
- 127 he thought each was best suited. For in order to acquire the other arts, it is enough merely to resemble a human being, and to be able to grasp with the mind and guard with the memory what is being taught, or even hammered in if someone is a little slow-witted: there is no need for flexibility of the tongue, for a quick flow of words, or finally, for any of the things we cannot fashion for ourselves, namely a particular stature, face, and tone of voice.
- 128 In an orator, however, we have to demand the acumen of a dialectician,⁸⁸ the thoughts of a philosopher, the words, I'd almost say, of a poet, the memory of a jurisconsult,⁸⁹ the voice of a tragic performer, and gestures close to those of a consummate actor. This is why nothing in the human race is more rarely to be found than a perfect orator. For practitioners of these individual arts are respected if they have mastered their subjects to a moderate degree, but the orator cannot win respect unless he exhibits all of them at the highest level."⁹⁰
- 129 "Yes," said Crassus at that point, "but look how those involved in an extremely insubstantial and trivial art devote much more careful attention to what they do than those involved in our pursuit, which everyone agrees is of greatest importance. Time and again I hear Roscius say that he has, as yet, been unable to find a pupil of whom he could truly approve, not because there weren't some who were acceptable, but because he personally found it intolerable if there was any fault in them at all. For nothing is so

⁸⁶With "actually more severe" (*etiam gravior*), Antonius seems to refer to what Crassus has said in 1.118, that bad orators are tolerated more easily than bad actors. Antonius is now talking, not about orators in general as Crassus was, but about great orators; and where such absolute standards are concerned, the judgment passed on orators is "actually more severe" than that passed on actors.

⁸⁷See 1.114–115.

⁸⁸Dialectic was the art of reasoning, close, but not identical to our logic; see Glossary for further details.

⁸⁹The memory of Roman jurists had to be highly developed since their *responsa* ("replies," approximately "legal opinion, advice") had to take all precedents into account.

⁹⁰Note here the echo of the theme of the difficulty of oratory and the arguments found in the prologue, 1.16–20.

conspicuous or so indelibly imprinted on the memory as something that annoys you in any way. So let us take the example of this actor as a standard for oratorical merit: don't you see how he does nothing without perfection, nothing without consummate charm, and only in a manner that is appropriate and that moves and delights all? In this way he has, already long ago, won the distinction that anyone who excels in any art is called a 'Roscius' in his own field. Now it is shameful of me to demand this absolute perfection in an orator, while I am personally far removed from it: I want to be pardoned myself, but I do not pardon others. For I believe that someone who does not have the ability, who gets it all wrong, who, in short, is not fit for the task, should, as Apollonius directed, be demoted to the job that he can handle." 130

"Would you then," said Sulpicius, "direct me or Cotta here to learn civil law or the military art? For who can attain the height of universal perfection that you demand?" 131

"No," replied Crassus, "I have said all this precisely because I have observed an extraordinary and exceptional talent for oratory in you two; my remarks were tailored less to deterring those who do not have the ability than to rousing you who do. And though I have discerned in both of you a very high level of natural ability and devotion, those qualities that are connected with one's physical appearance (about which I have perhaps said more than the Greeks generally do)⁹¹ are present in you beyond human measure, Sulpicius. For indeed, I don't believe that I have heard another speaker whose bodily movements, bearing, and appearance were more suitable, or whose voice was richer or more pleasant. Those who have been less well endowed by nature with such gifts can still succeed in making tempered and sensible use of what they have, in a way that avoids being inappropriate.⁹² For avoiding that is especially necessary, and at the same time it is especially difficult to give instructions on this topic—not only for me who am talking about these things like a head of a household would,⁹³ but even for Roscius himself. I have often heard him say that the essence of an art is to see to it that what you do is appropriate, though on the other hand, this is the one thing that cannot be taught by art. But if you don't mind, let's change the subject, and at last talk the way we usually do, instead of like rhetoricians." 132

"Certainly not," said Cotta, "for now that you are retaining us in this pursuit and are not sending us away to some other art, we are obliged to 133

⁹¹The rhetoricians, who were still mainly Greeks at that time, emphasized their theoretical system, and obviously said very little about such natural endowments. Crassus' remarks were made in 1.114–115 (and 116) above.

⁹²This remark is particularly apt in Cotta's presence. Cicero's description of him in *Brutus* 202 begins as follows: "Cotta possessed keenness in invention, purity and fluency in diction. Because his lungs were not strong, he had quite sensibly abandoned all vehemence, and accommodated his manner of speaking to his physical weakness."

⁹³For the interpretation of *unus pater familias* (not "any ordinary head of a household"), see Pinkster 1988: 109–115.

beg you to explain your own oratorical power, whatever you make it out to be (nor are we too greedy: what you call your average eloquence⁹⁴ is enough for us). And since you say that we are not exceedingly deficient in the qualities that must be obtained from nature, we only ask you (in order to avoid achieving more than the little bit that you have achieved in oratory), what you think we must acquire in addition?"

134–146 *Crassus on art: the standard rhetorical rules*

- 134 Then Crassus, smiling at this remark, said, "Well Cotta, what else do you suppose, but enthusiasm and a truly passionate devotion? Without this no one will ever achieve anything outstanding in life, and certainly not this goal that you are trying to reach. But I realize that you two don't need any encouragement in this direction, for, since you will not leave even me in peace about it, I see that your desire is burning only too strongly. But, to be sure, a desire to get somewhere is of no use whatsoever, unless you know what can guide and bring you to your destination. Now, the burden you lay upon me is not too heavy: you are not asking me about the orator's art as such, but about my own personal capacity, however little it is. So what I will explain to you is nothing particularly mysterious or terribly difficult or impressive or important, but the principles I once used to follow when I was young and still free to to concern myself with the study you are hinting at."⁹⁵
- 136 "Oh Cotta," Sulpicius exclaimed at this point, "this is the day we've longed for! What I have never managed to accomplish either by entreaty or by waiting in ambush or by spying—I mean being given the opportunity, if not to see for myself how Crassus practices and prepares himself for speaking, then at least to get an impression of it from his reader and secretary, Diphilus⁹⁶—I have hopes that we have secured this, and that we are now going to learn from him personally everything that we have long desired to know!"
- 137 "And yet, Sulpicius," Crassus said, "I believe that once you have heard me, you will not so much admire what I have said, as think that there was, after all, no reason for your original desire to hear it. For I will tell you nothing mysterious, nothing worthy of your expectations, nothing that you have not heard before or that is new to anyone. To begin with, I shall not deny that I learned what befits a well-born and well-educated man, namely those
- 138 hackneyed precepts that everybody knows. First, so the rules say, the duty

⁹⁴"Average eloquence" (*mediocri eloquentia*) is, in fact, an oxymoron, since "eloquence" in *De oratore* indicates an absolutely high level. The remark refers to 1.130, where Crassus (again) rated his own "eloquence" so low.

⁹⁵Crassus has understood that Cotta and Sulpicius are eager to hear, among other things, something about rhetorical theory.

⁹⁶Wealthy Romans used slaves and freedmen to read to them and to act as secretaries; the most famous of these figures was Cicero's secretary, Tiro (see Rawson 1985: 45). Diphilus is known only from this passage.

of the orator is to speak in a manner suited to persuasion.⁹⁷ Next, every speech is concerned either with the investigation of an indefinite, general matter, in which the persons or occasions are unspecified, or with a matter that is tied to specific persons or occasions.⁹⁸ Furthermore, in both cases, whatever the point at issue may be, the question always posed is either whether or not the deed was done, or, if it was, what its nature is, or again, by what name it should be called, or, as some add, whether or not it seems to have been done justly.⁹⁹ Furthermore, issues also arise from the interpretation of written documents, if some part of the text gives rise to ambiguity or contradiction, or involves a point where the written word is at variance with the intent. Furthermore, to all of these divisions a number of arguments are specifically assigned. But of the cases that are distinct from general investigations,¹⁰⁰ some have their sphere in lawsuits, others in deliberative situations; there is also a third class that is reserved for praising or blaming people. And there are specific commonplaces¹⁰¹ that we use in lawsuits, where justice is the aim; there are others for deliberations, which are all directed toward the interests of those to whom we are giving advice; and others, likewise, for laudatory speeches, in which the frame of reference is defined by the high standing of those concerned. And in accordance with their division of the entire force and skill of the orator into five categories (requiring him first to discover what to say; next to distribute and put together what he has discovered not only with an eye to its order, but also judging critically its relative importance; then to clothe the result in distinguished language; and after this, to enclose this in his memory; and finally to deliver it with dignity and charm), I also became acquainted with the following prescriptions¹⁰²: in the beginning, before addressing the issue at hand, the audience's minds must be won over; next the case must be described; then after this, the point of dispute should be presented; then the claim we are making must be proved; after this, the things said in opposi-

⁹⁷As Crassus has just indicated, the entire description of rhetorical theory that follows (1.138–145) reproduces (a variant of) the normal handbook precepts (Introduction, § 7, especially p. 31 and Diagram 3b). For example, this definition of the orator's duty corresponds to that found in *On Invention* 1.6 and that of Hermagoras (see Quintilian 2.15.14). The repetitive style of this passage also seems to reflect that of the handbooks.

⁹⁸This is the common division into *thesis* and *hypothesis*. See Introduction, pp. 27–28.

⁹⁹In 1.139–140, Crassus describes the so-called status system (see Introduction, p. 32).

¹⁰⁰See 1.138.

¹⁰¹See Glossary at commonplaces.

¹⁰²The commonplaces mentioned in 1.141 belong to the “activity” of invention. But because Crassus has not yet explicitly said so, he first (in 142) gives a list of all five oratorical “activities,” before going on to describe what he learned under the headings of the other four. This description follows in 143–145, with arrangement (the parts of the speech: 143), style (144), memory and delivery (145). For this interpretation see LP: 232–233. See further, Introduction, p. 31.

tion must be refuted; and in the final section of the speech, the things in our favor must be amplified and expanded upon, while those in our opponents' favor must be invalidated and demolished.¹⁰³ I also heard the teachings about the features that lend distinction to speech itself: the first precept we are given in this respect is to speak purely and in correct Latin; next clearly and lucidly; third, with distinction; and finally, in a way that is suitable and fitting, so to speak, to the relative importance of our subject matter; and I learned rules for each of these four things.¹⁰⁴ Actually, I saw that art was even applied to the areas that are most dependent on natural ability. For I got a taste of some precepts about delivery and memory, which were brief, but involved a great amount of practice.¹⁰⁵

"With such things, as you know, the entire system of your experts is concerned, and if I should say that it offers no help, I would be lying. For it does have some features that may, so to speak, remind the orator of the points of reference for each occasion, which he must keep in sight in order not to stray from whatever goal he has set for himself. But the essential nature of all these rules, as I understand it, is not that orators, by following them, have won a reputation for eloquence, but rather that certain people have observed and collected the practices that eloquent men followed of their own accord. Thus, eloquence is not the offspring of art, but art of eloquence. Even so, as I said before,¹⁰⁶ I do not reject it. For even if art is unnecessary for good speaking, becoming acquainted with it is not unsuitable for a gentleman.¹⁰⁷

147–159 *Crassus on training*

"Also, you must make it your concern to practice in some way or other—though you, of course, have already been in full career for sometime. But for those who are just entering this pursuit, it is really necessary. Already at this stage, by practicing in mock exercise, they can learn in advance the things that must be done in the front line of the forum, so to speak." "This," said Sulpicius, "is exactly what we want to know about. Still, we are eager to hear more on what you treated so cursorily when you were talking about

¹⁰³Crassus here describes the basic parts of a speech: prologue, narration, proposition, proof, refutation, epilogue. These are here considered to fall under the category of arrangement, as they obviously were in some systems of the time. (See previous note.)

¹⁰⁴The four qualities of style (*virtutes dicendi*); see Introduction, pp. 35–36. In the Latin, the second word for the fourth quality, *decore*, is qualified by *quasi*; obviously, the word was not (yet) a common one in this connection (cf. *Orator* 82, and LP).

¹⁰⁵The usual order of the last two of the five "activities" of the orator is memory, then delivery, but it seems that the reverse order found here does not represent any real adaptation of the system: delivery is mentioned first because it has already been rather extensively mentioned as dependent on natural ability (in 1.114–115, 131–132).

¹⁰⁶See 1.108–110.

¹⁰⁷For "gentleman," see note 14 at 1.17, and cf. 1.137.

the art, even though we, too, have heard such things before. But we can talk of that soon enough; now, we are asking you what you actually think about this matter of practice."

"For my part," said Crassus, "I approve of your habit of taking as a starting point some case very similar to those brought into the forum, and of speaking on it in a manner that is as true to life as possible. Most people, however, when doing this, merely exercise their voices (and not very knowledgeably at that), build their strength, quicken the speed of their tongues, and revel in the flood of their words. They have heard the saying that the way to become a speaker is to speak, and this misleads them. For there is another saying that is equally true: the easiest way to become a wretched speaker is to speak wretchedly. For this reason, although it is also useful, in these practice sessions of yours, to speak extemporaneously on a regular basis, it is still more useful to take some time for reflection, in order to speak better prepared and with greater care. 149 150

"What is most fundamental, however, is something that, to be honest, we do least of all (for it involves a great deal of effort, which most of us try to avoid)—I mean writing as much as possible. It is the pen, the pen, that is the best and most eminent teacher and creator of speaking. And I am saying this with very good reason: if extemporaneous and random speech is easily surpassed by preparation and reflection, the latter, in turn, will certainly be outdone by constant and diligent writing. For as we investigate the matter and consider it with all of our powers of discernment, all common-places (at least as far as they are inherent in the subject on which we are writing), those provided by the art as well as those provided, in a way, by natural ability and intelligence, occur to us, revealing themselves to our minds. All the thoughts and all the words that are most appropriate to each type of subject, and that are most clear and brilliant, cannot help but pass under the point of our pen one after the other. In addition, writing perfects the ability of actually arranging and combining words, not in a poetic, but in a kind of oratorical measure and rhythm. These are the things that win a good orator shouts of approval and admiration, and no one will master them unless he has written long and written much—even if he has trained himself ever so vigorously in those extemporaneous speeches. Also, whoever comes to oratory after much practice in writing brings this ability along: even when he is improvising, what he says will still turn out to resemble a written text. And what is more, should he take a piece of text with him when he is going to speak, once he has stopped following this, the remainder of his speech will continue to resemble it. A ship at full speed, when once the rowers rest upon their oars,¹⁰⁸ still maintains its own momentum and course, even though the thrust of the oar strokes has been interrupted. The same thing happens in the case of a speech: when the written text leaves off, the 151 152 153

¹⁰⁸"Rest upon their oars" (i.e., stop rowing) reflects what Cicero intends to say, not the actual meaning of the Latin nautical term he uses (*inhibere*), which is "backwater" (i.e., rowing backward). Ten years later, Cicero realized that he had always misunderstood the term (cf. *Letters to Atticus* 13.21.3).

remainder of the speech still maintains a like course, sped on by the similarity to what was written and by its impulse.

154 "What I used to do as a very young man in my daily practice sessions was to apply myself especially to the same exercise that I knew Gaius Carbo, my old enemy, had always employed.¹⁰⁹ I would set up as a model some verses, as impressive as possible, or I would read a speech, as much of it as I could manage to memorize, and then I would express exactly what I had read, choosing different words as much as I could.¹¹⁰ But after a while, I noticed this method had a defect: the words that were most fitting in each case, and that were the finest and most distinguished, had already been appropriated by Ennius (if I was practicing with his verses) or by Gracchus, if I happened to use a speech of his as my model.¹¹¹ If, therefore, I chose the same words, I gained nothing, and if I chose others, I was actually doing myself harm, because I was getting used to employing words that were less
155 appropriate. Afterward, it seemed a good idea—and this was the practice I adopted when I was a bit older—to take speeches of the great orators from Greece and reformulate them. The advantage of choosing these was not only that, when rendering in Latin what I had read in Greek, I could use the finest words that were nevertheless common, but also that, by imitating Greek words, I could coin certain others that were new to our language—provided they were appropriate.

156 "Now as to the voice, the breath, and the movement of the entire body and of the tongue itself, the exercise of these requires hard work rather than art.¹¹² Here we must carefully consider who are to be our models, and whom we want to resemble. We must observe actors as well as orators to make sure that we do not, through bad practice, develop any tasteless or ugly
157 habits. We must also exercise our memory, by learning by heart as many passages as possible, from our own writings as well as from those of others. And when you are practicing this, I don't think there is any objection against also applying, if that is what you are used to doing, the traditional system of places and images that the rhetorical handbooks teach.¹¹³ But next, our speech-making must be led out from the sheltered training ground of our home right into the fray, into the dust and the din, into the camp and the front line of the forum. We must confront the gaze of the whole world.

¹⁰⁹Carbo was known for his habit of practicing intensely; cf. *Brutus* 105; Quintilian 10.7.27.

¹¹⁰Later, paraphrasing a text became a common form of exercise in grammatical and rhetorical education (cf. Suetonius, *On Grammarians and Rhetoricians* 4.5; Quintilian 10.5.4–11).

¹¹¹Of the two brothers mentioned at 1.38, Gaius is obviously meant here: Cicero considered him the greatest orator of his generation (cf. *Brutus* 125).

¹¹²The exercises described in 1.151–155 concern invention and style. Crassus now adds remarks on practicing delivery (1.156) and developing the memory (1.157).

¹¹³This system is known to us especially from the extensive account in *Rhetoric for Herennius* 3.28–40; it is discussed by Antonius in the second book (2.350–360).

The powers of our native ability must be put to the test, and our secluded preparation must be brought out into the light of reality.

"Also, we must read poetry, acquire a knowledge of history, and select teachers and writers of all the noble arts, read them attentively, and, for the sake of practice, praise, expound, correct, criticize, and refute them. We must argue every question on both sides, and on every topic we must elicit as well as express every plausible argument. We must thoroughly learn the civil law, acquire knowledge of the statutes, and get to know the whole of the past.¹¹⁴ We must acquire knowledge of the conventions of the Senate, the organization of the State, the legal standing of our allies, treaties, pacts, and effective foreign policy. And from all types of urbanity we must take bits of witticism and humor that we can sprinkle, like a little salt, throughout all of our speech. Well, I've poured out all my views for you. But you would probably have received the same answers to your questions, if you had gone to any social gathering and accosted some head of a household."

160–165 *Interlude*

When Crassus had finished, silence followed. But though it seemed to those present that the proposed theme had been sufficiently addressed, they still felt that he had come to his conclusion much more quickly than they wished. Then Scaevola spoke, "What is it, Cotta? Why are the both of you silent? Can't you think of anything else that you want to ask Crassus?" "Believe me," answered Cotta, "that is exactly what I am concentrating on. For his words rushed forth so quickly and his speech flew by so rapidly that, although I observed its speed and momentum, I could not follow how and where it went. To put it another way, it was just as if I found myself in some rich and well-furnished house, where none of the tapestries and draperies was unfolded, none of the silver was displayed, and none of the paintings and sculpture was set out to view, but quantities of all these magnificent things were piled together and stored away. This is how I felt during Crassus' speech just now: I caught a glimpse of the riches and the treasures of his intellect through wrappings and coverings, but when I wanted to examine them closely, I was scarcely given a chance to look. So I can't say that I am entirely ignorant about his possessions, nor that I have really seen and gathered a clear understanding of them."

"Well, then," said Scaevola, "why don't you do as you would if you found yourself in some house or country villa full of treasures? If these had been stored away, as you say, and you were really eager to see them, you wouldn't hesitate to ask the owner to have them brought out, especially if he was a close friend. It is the same in the case of this store of Crassus' treasures, which were piled together and which we have only seen in passing, through storage netting as it were: you should now ask him to bring them out into the light and to locate each piece in its proper place." "Well," an-

¹¹⁴Unlike "history" in 1.158, this refers to the past as a "storehouse of examples and precedents" (cf. 1.18).

swered Cotta, "I'd rather ask you, Scaevola, since restraint and respect prevent both me and Sulpicius here from asking such a dignified man, who has always despised this kind of discussion, about things that may seem to him like elementary schoolboy lessons. Do us this favor, Scaevola. Make Crassus unfold and amplify for us all that he has said, which he compressed and packed so tightly in his survey."

- 164 "Believe me," said Scaevola, "I must say that at first it was for your sake more than for my own that I wanted this—for I wasn't as keen on hearing this discussion from Crassus as I am always delighted to hear him plead a case. But now, Crassus, it is actually also for my own sake that I am asking you, seeing that we are granted more leisure than we have had in a long time. Don't be reluctant to complete the edifice you have begun to build. For the structure of the whole business is larger and finer than one could
165 have imagined, and it appeals immensely to me." "Would you believe it!" exclaimed Crassus, "I can't tell you how surprised I am that even you, Scaevola, are eager to hear these things. I don't understand them as well as those who teach the subject, and even if I understood them perfectly, they are not the sort that would be worthy of the ears of a wise man like you." "Is that so?" the other replied. "Even if you think that a man of my age should not be listening to those commonplace and hackneyed topics,¹¹⁵ can we afford also to ignore the things that you have claimed an orator must know?¹¹⁶ You mentioned human characters and behavior, the ways of stirring and checking human feelings, history, ancient times,¹¹⁷ governing the State, and last but not least, our own civil law. Indeed, I did realize that the whole abundant store of this knowledge fell within the compass of your understanding, but in the equipment of the orator as such, I had never before observed furnishings this sumptuous."

166–172 *Crassus and Scaevola begin the discussion on
the need for knowledge of the civil law*

- 166 "Can you really," Crassus replied, "—to pass over the other countless and immensely important subjects, and to come to your own civil law—, can you then really regard as orators the men who detained Publius Scaevola¹¹⁸ for many hours? While being eager to get to the Campus Martius, he was amused and exasperated at the same time! I am referring to the occasion when Hypsaesus, at the top of his lungs and with a barrage of words, was

¹¹⁵Cf. 1.137.

¹¹⁶By now a rather familiar list; cf. 1.42, 48, 53, 56, 60, 67, 86, 158–159.

¹¹⁷See 1.159, note 114.

¹¹⁸Publius Mucius Scaevola (referred to as Mucius in 1.167 below), consul in 133 BC and a cousin of Quintus Mucius Scaevola, the interlocutor in our dialogue. He was a well-known legal expert (see, e.g., 1.212), here obviously acting as one of the advisers to the praetor (see below, 1.166, note 119). He also liked to play ball (cf. 1.217) and on this occasion wanted to go to the Campus Martius (the Field of Mars), the normal place for sport and exercise.

demanding from the praetor,¹¹⁹ Marcus Crassus,¹²⁰ permission for his own client to forfeit his case; while Gnaeus Octavius, a former consul at that, gave a speech every bit as long for the other side, though he was actually pleading against his opponent forfeiting his case, and against his own client's chance (afforded by his opponent's stupidity) to escape from the disgraceful trial about his guardianship and from all the distress involved."¹²¹ "No, indeed," said Scaevola, "such men—for I remember Mucius telling me the story—I could hardly have considered worthy even to enter the forum, much less to be called orators!"

"All the same," said Crassus, "these *patroni*¹²² were not wanting in eloquence or in rhetorical theory or in fullness of diction, but in knowledge of the civil law. For Hypsaeus was planning, in the actual proceedings stipulated by law, to claim more than the law of the Twelve Tables permitted—and had he carried his point, he would have automatically forfeited his case."¹²³ Octavius, on the other hand, considered it unjust that more should be demanded from his client than was provided for in the legally prescribed phrase, failing to understand that, were the trial to be conducted on that basis, his opponent would lose the suit. And how about what happened a few days ago, as I am sure you have heard, while I was sitting among the ad-

¹¹⁹Civil procedures (of both kinds; see below, notes 123 and 125) had two stages. The first of these (*in iure*) was presided over by a praetor, who decided whether an actual suit (the second stage, *apud iudicem*) should take place, and if so, what form the complaint should take in this second stage. Since a praetor was not necessarily a legal specialist, he usually appointed a *consilium*, a board of advisers, who joined him on his platform during the proceedings. For a clear description of procedural matters, see Crook in *CAH IX*²: 544–546.

¹²⁰This Marcus Crassus (not to be confused with the Lucius Crassus who is currently speaking) was obviously praetor in 127 or 126 BC, when this case was heard. The ludicrous situation of the two ignorant pleaders is made even more poignant by the character of this Crassus: the second-century-BC satiric poet, Lucilius, wrote that Crassus "had laughed only once in his whole life," and that he was nicknamed *Agelastus*, i.e., "Gloomy," "Laughless" (see *ROL III*, p. 422).

¹²¹Here, Crassus gives a general description of what the two pleaders were doing, adding details in 1.167. What is clear already in this section is that the issue was one of fraudulent guardianship, and that the advocate on each side, without realizing it, adopted a plea that damaged his own client's case. Since these speeches were delivered in the preliminary stage (see above, note 119), the defendant could still escape the disgrace of a formal trial.

¹²²*Patroni* (see Glossary) is ironically used, for the two pleaders actually failed miserably in their duty of protecting their clients.

¹²³The procedure in this case was the old-fashioned and rigorous *legis actio*, in which a plaintiff had to use fixed phrases. In the first stage described here, the praetor decided upon the exact wording of the claim that the prosecutor should pronounce in the suit. In cases of fraud by a guardian, the Twelve Tables prescribed the restitution of double the amount (8.20b; see *ROL III*, pp. 488–491); claiming more, as Hypsaeus wanted to be allowed to do, would have rendered the fixed phrase, and thus his whole claim, invalid.

visers who had joined my friend Quintus Pompeius, the city praetor, on his platform?¹²⁴ One of our clever speakers applied for his client, a defendant in a debt case, to be granted the insertion of the old and familiar clause,¹²⁵ 'only with respect to money already due.' He failed to understand that this clause had been devised for the protection of the claimant. Thus, in the event that this debtor, who was denying his obligation, should satisfy the judge in the actual trial that payment of the loan had been demanded before it had come due, the claimant would not be prevented from bringing a new action by the insertion of the clause, 'that this matter has already come into court.'

- 169 "And indeed, can any actions or words be more disgraceful than this, that someone who has assumed the role of defending the legal interests of his friends, relieving those in distress, giving comfort to the grieving, and raising up the afflicted—than that such a man, in handling the smallest and simplest matters, should slip up so badly that he is pitied by some, and
170 laughed at by others? Personally, I think that my kinsman Publius Crassus, the one called Dives,¹²⁶ while a man of taste and many accomplishments, deserves to be mentioned especially for this commendable view: he used to tell his brother Publius Scaevola,¹²⁷ time and again, not to think that he could do justice to his discipline, the civil law, unless he had also acquired the power of speaking (something that Scaevola's son, my colleague in the consulship, has certainly achieved), and, conversely, that he himself had not begun to conduct and plead the cases of his friends before he had mastered
171 the civil law. Indeed, didn't the famous Marcus Cato possess as much eloquence as his generation and the circumstances of those times could produce in our community, while at the same time having an unequalled knowledge of the civil law?

- "I have been feeling rather embarrassed for quite some time now, talking about this in the presence of a most excellent speaker, whom I admire above all other orators, but who has, nevertheless, always despised the civil
172 law. Since, however, you wanted me to share my thoughts and opinions with you, I will hide nothing, but reveal to you, as far as I can, my views on each point. In Antonius' case, even if he stands unprotected by such knowledge of the law, it seems that his really incredible, almost unique and superhuman natural ability is easily able to guard and defend itself by the other

¹²⁴See above, 1.166, note 119.

¹²⁵The procedure in this case was not the *legis actio* (above, note 123), but belonged to the more recent "formulary system," which was probably introduced in the second half of the second century BC. The formulas in question were more flexible than the fixed phrases in the *legis actio*. Here, the praetor in the first stage decided about the addition of certain "clauses" (*exceptiones*) to the formula, which determined what issue(s) were to be taken into consideration in the second stage, that of the actual suit.

¹²⁶This Crassus, who was consul in 131 BC, and died in 130, was a distant relative of our Crassus through adoption, having been born a Mucius Scaevola. He was a well-known jurist as well as a good speaker (1.216, 239–240; *Brutus* 98).

¹²⁷This Scaevola is also mentioned above, 1.166. His son, mentioned below, was consul, together with our Crassus, in 95 BC.

weapons of his intelligence. Therefore, let us make an exception for him. As for all others, I won't hesitate to vote for condemning them, in the first place, of being lazy, but also of being shameless.

173–184 *Crassus continues: the shamelessness of those neglecting the civil law*

“For to flit around the forum, to hang about the courts and the praetors’ platforms, to take on important civil suits before a single judge, where the dispute is often not about facts, but about equity and law, to make a show of oneself even in cases before the Council of One Hundred¹²⁸ (which revolve around legal issues concerning acquisition of property by possession, guardianship, kinship by clan or paternal descent, additions to land from alluvial deposits or island formation,¹²⁹ transfers of property and sales,¹³⁰ easements regarding shared walls, lights, and the dripping of rainwater from adjacent eaves,¹³¹ valid and invalid wills, and all the other matters, which are innumerable), and to do all of this when one doesn’t have an inkling of what is another’s property or one’s own, or even what is the difference between a citizen and a foreigner or between a slave and a free man—that is pure shamelessness. Certainly this is ridiculous arrogance, to confess having no experience in handling smaller ships, while claiming to have learned how to navigate quinqueremes¹³² or even larger vessels. I ask you, if you allow yourself to be bamboozled in a simple private transaction, when your opponent merely asks for a guarantee, and if you fix your seal to your client’s document, while this same document contains a clause that traps him, should I then suppose that you can be entrusted with cases of any greater

173

174

¹²⁸Civil cases were heard by a single judge, by a committee of so-called *recuperatores* (not mentioned here), or by the Centumviral Court (the “Council of One Hundred”). In the period of the Republic, the last consisted of 105 members, three from each of the 35 tribes. Though Crassus clearly sees centumviral cases as the most demanding and important, he stresses that cases before a single judge could also be of great importance.

¹²⁹This probably refers to islands formed either in a river itself (which were to be divided among the owners of the banks according to a line through the middle of the river bed), or through the changes in the course of a river.

¹³⁰Both *nexum* (here translated as “transfer of property”) and *mancipium* (“sale”) formally took place by the use of bronze and scales, but the relationship between the two is problematic.

¹³¹Three issues concerning neighboring houses. “Lights” refers to the amount of light falling into a building to which the owner is entitled; e.g., one had the right to construct a window looking out on a neighbor’s land. Compare the case mentioned below in 1.179.

¹³²Quinqueremes, or “fives,” were ships whose oar crew was disposed in multiples of five. They were usually ships with three levels of oars on each side, manned with two rowers per oar on two of the levels, and one rower per oar on the other level. Ships having two levels of oars on each side, however, could also be manned as quinqueremes, with two rowers per oar on one level, and three per oar on the other.

significance? Sooner, I swear you, will someone who has swamped a two-oared rowboat while still in harbor be seen navigating the ship of the Argonauts over the Black Sea!¹³³ Don't you see? If cases where the point of dispute concerns the civil law are by no means insignificant, but often of the utmost importance, then what enormous cheek has a *patronus* who dares to take on such cases without any knowledge of the law! What case, for instance, could be more significant than the famous one of the soldier whose death had been mistakenly reported at home in a message from the army? His father, believing the story, changed his will and appointed another heir as he thought appropriate, then subsequently died. When the soldier returned home, he filed suit by means of a *legis actio*¹³⁴ for recovery of his patrimony, for though a son, he had no share in the inheritance according to the will. The matter was referred to the Council of One Hundred. Clearly in this case the point at issue was one of civil law: whether or not a son could be excluded from a share of his father's property when the father in his will had neither specified him as heir nor disinherited him by name.¹³⁵ Again, take the case between the Marcelli and the patrician branch of the Claudii, also judged by the Council of One Hundred. The Marcelli claimed that the inheritance of the son of a freedman of theirs reverted to them because of ancestral descent, whereas the patrician Claudii maintained that this same inheritance reverted to them because he was classified under their clan. Didn't this case force the speakers on both sides to discuss all of the laws concerning ancestral and clan relationships?¹³⁶ And again, the matter that was, as we were told, likewise debated before the One Hundred, when a foreigner in exile, who had come to live in Rome, having the right to do so provided that he attach himself to someone who would act as a kind of *patronus*,¹³⁷ subsequently died without leaving a will. When this case was tried, didn't the *patronus* involved bring to light and clarify the law regarding such attachments of client to patron—an extremely obscure and unknown subject? And again, not long ago, when I appeared on behalf of Gaius Sergius Orata in a civil suit before a single judge, the opposing counsel being my friend Antonius here, wasn't my entire plea centered around the law? As you know, Marcus Marius Gratidianus had sold a house to Orata without stating in the terms of the sale that a certain part of the house was subject

¹³³The Black Sea was notorious for its rough waters and storms.

¹³⁴See note 123 at 1.167.

¹³⁵Valerius Maximus, 7.7.1, tells us that the soldier won his case.

¹³⁶When a freedman died without an heir and without leaving a will, the inheritance went to (the family of) his *patronus*, his former owner; the question was whether the same should hold for a son of a freedman. Although the details of the case are obscure, this much seems clear: the freedman involved here had been a slave to a Marcellus, and the inheritance was claimed by the Marcelli. But the Marcelli (the Claudii Marcelli, in full) were a plebeian branch of the clan of the Claudii, and on this basis, the members of the patrician (i.e., non-plebeian) Claudii also claimed it.

¹³⁷See Glossary, at *patronus*.

to an easement.¹³⁸ I argued that the seller was obliged to take responsibility for any defect if he had been aware of it at the time of sale but had failed to indicate it.¹³⁹ In this same sphere, one of my acquaintances, Marcus Buculeius, no fool in my opinion, and a mighty sage in his own, a man with no distaste for the study of law, somehow went wrong in a similar case not long ago. For when selling a house to Lucius Fufius, he included in the terms of the sale a clause mentioning the lights 'such as they are now.' Then Fufius, the moment that some construction work was begun in a part of the city that was only barely visible from the house in question, immediately filed suit against Buculeius. For, in his opinion, the lights were being altered if any tiny part of the sky was obstructed, no matter how far away it was.¹⁴⁰ And again, consider the celebrated case between Manius Curius and Marcus Coponius, heard not long ago by the Council of One Hundred. What a crowd flocked to see it, what anticipation attended the proceedings!¹⁴¹ On the one side was my colleague and contemporary, Quintus Scaevola,¹⁴² a man who is the most learned of us all in the discipline of the civil law, extremely acute, intellectually very gifted, and whose speech is extremely polished and precise. As I always say, among men skilled in law, he is the most eloquent, while among the eloquent, he is the one most skilled in the law. He defended the position that the legal foundation of a will consisted in its exact wording, and argued that a man who had been appointed as a substitute heir for a posthumous son who had been born and had died could not, in fact, inherit unless such a posthumous son had actually been born and had died before coming of age. I, on the other hand, appearing for the other side, maintained that the person who had made the will had done so

179

180

¹³⁸If a piece of land or a building was subject to an easement (*servitus*), the neighbors had certain rights, such as a right of way.

¹³⁹In *On Duties* 3. 67, Cicero gives more particulars of this case. Gratidianus had previously bought the house from the same Orata, and Antonius defended him by claiming that, since he could assume that Orata knew about any defects, he had not been obliged to indicate them explicitly.

¹⁴⁰The case is not entirely clear, but probably Buculeius meant to indicate that the house he was selling was subject to easements regarding the lights (see on this above, note 131 at 1.173). For this purpose, he chose a clause that was so general that Fufius, the buyer, could interpret it as guaranteeing all the lights as they were. (LPN offer a slightly different interpretation.)

¹⁴¹This so-called *causa Curiana* was a classic case of letter versus intent. It is very often mentioned by Cicero, in *De oratore* in 1.238, 242–244; 2.24, 140–141, 220–222; and e.g., in *Brutus* 144–145 and 194–198. The trial took place sometime between the beginning of 94 and the dramatic date of our dialogue (see Alexander 1990: 48–49; but his view that *Brutus* 145 suggests that Crassus was not yet a censor seems doubtful).

¹⁴²This Quintus Mucius Scaevola (known as Scaevola Pontifex) is not to be confused with the Q. Scaevola present at our conversation. Scaevola Pontifex shared all offices with Crassus (except the tribunate and the censorship), including the consulship of 95 BC.

with the intention that, in the event of there being no son who might come of age, Manius Curius should inherit. Now surely, in this case both of us constantly dealt with authoritative legal opinions, precedents, testamentary formulas—in other words, with the fundamental issues of the civil law.¹⁴³ I will pass over further examples of highly important cases (they are innumerable), and only mention those where our civic status is at issue¹⁴⁴; in these, the civil law can often play a decisive role. Indeed, we know that such a thing happened to Gaius Mancinus, a very distinguished and excellent man, and a former consul at that. As a result of the indignation that followed the treaty he had made with the Numantines, the *pater patratus*,¹⁴⁵ acting in accordance with a decree of the Senate, had surrendered him to this people; but they had refused to accept him, and he had then returned home and had, without hesitation, entered the Senate.¹⁴⁶ But one of the tribunes of the plebs, Publius Rutilius (son of Marcus Rutilius), ordered him to be removed, maintaining that he was not a Roman citizen since it was established tradition that someone who had been sold by his father or by the people or had been surrendered by the *pater patratus*, had no right to a resumption of civic status.¹⁴⁷ Among all the issues within the whole range of public life, can we think of any case more momentous than this one, which dealt with the rank, the citizenship, the freedom, in short, the civic status of a man who had been consul, especially since it turned not on some criminal charge which he could have denied, but on a point of civil law? In the same class was this problem that was discussed in our ancestors' time, though the individual concerned was of lower rank: if a man from an allied nation had been a slave at Rome, then had acquired his freedom and had subsequently returned home, had he, by returning to his own people, resumed his civic status there, and for-

¹⁴³Cicero reports elsewhere (*In defense of Caecina* 53, 67; *Brutus* 145, 197–198) that Crassus won the case.

¹⁴⁴Someone's "civic status" (*caput*, literally "head") was said to be at stake when his life was endangered, either his life as such, or his life as a Roman citizen: for Roman citizens, capital punishment often took the form of exile, and thus loss of citizen status.

¹⁴⁵The *pater patratus* was the head of a deputation consisting of four (originally probably two) members of the priestly college of the *Fetiales*. This college was concerned with the formal and sacral aspects of the declaration of war and of the conclusion of treaties.

¹⁴⁶As consul in 137 BC, Gaius Hostilius Mancinus led the war in Spain, and was defeated and trapped by the people of Numantia. He saved his army by surrendering and making a peace treaty, which the Senate subsequently refused to ratify. He was handed over to the Numantines in 136, and returned in the same year.

¹⁴⁷Obviously the dispute turned on the question of whether Mancinus, because he was not actually accepted by the Numantines, had technically been surrendered by the *pater patratus*. This question was obviously hard to decide on legal grounds, and eventually his citizenship was restored by a special law.

feited his Roman citizenship?¹⁴⁸ Again, no trial can be more serious than one about a man's freedom, and surely such a point of contention can depend on the civil law—for example, when the question is whether a slave who has been enrolled in the census in accordance with his master's wish becomes a free man immediately, or only after the *lustrum* has been performed.¹⁴⁹ And again, what about the case that occurred in our fathers' time, of the head of a household who had come to Rome from Spain? Although leaving a pregnant wife in the province, he married another woman in Rome without sending the first wife a notice of divorce. He died without a will, while a son had been born to each of the women. It was no trivial matter that was brought into court here, since the question at issue involved the civic status of two people, both of the boy who had been born from the second wife, and of his mother, for she would be considered a concubine, were it decided that a divorce from a former wife could only be effected by a certain set formula, not by a new marriage. Well then, when a man has no knowledge of these and similar aspects of the law of his own community—for him to roam all over the forum, moving haughtily and with head held high, with a quick and willing tongue and a mien to match, looking now this way, now that, attended by a huge following, while holding out offers of protection to his clients, help to his friends, and the light of his intellect and counsel to virtually every citizen he meets—surely this must be considered more outrageous than anything!

185–197 *Crassus continues: the laziness of those
neglecting the civil law*

"And now that I have spoken about people's shamelessness, it seems I should also rebuke their sloth and laziness. Even, Scaevola, if mastering this law of yours were an enormous and difficult task, its enormous usefulness should nonetheless stir people to take the trouble to learn it. But actually—and I swear I would not mention this in his presence if it were otherwise—, Scaevola himself always says that no art seems easier to master than this one. To be sure, on account of certain factors, most people think otherwise

¹⁴⁸Crassus here refers to a case from the third or second century (cf. Cicero, *In defense of Balbus* 28; Pomponius, quoted in *Digest* 49.15.5.3). One Gnaeus Publicius Menander, who was originally from a Greek city allied to Rome, but who had been a slave and afterward attained Roman citizenship, was asked to join a commission to his homeland as an interpreter. He feared that he might thus lose his Roman citizenship, and the matter was referred to the people, who carried a law that he would retain it. As appears from Pomponius' comment, many jurists considered this law superfluous, since someone intending to return to Rome could not legally forfeit his citizenship.

¹⁴⁹The *lustrum* was the purificatory ceremony performed at the conclusion of the census (the registration of all Roman citizens). In principle, a census was held every five years by the censors, who were elected for this purpose, and who were also responsible for performing the *lustrum*.

about this point. For first, the people who practiced law in the old days, in order to preserve and increase their power, did not want their art to become generally known. Secondly, after Gnaeus Flavius had disclosed the law by making public the legal procedures for the first time,¹⁵⁰ there was no one to organize this material systematically and arrange it by classes. For it is impossible to reduce any subject to a systematic art,¹⁵¹ unless the same person who understands the material that he wants to establish as an art first possesses the knowledge of how to construct such an art out of things that are not yet systematized into an art.¹⁵²

- 187 "I see that in my desire to be brief, I have expressed myself a little too obscurely on this matter, but I will try to formulate it more clearly, if I can. Nearly all subjects that are nowadays covered by a systematic art were once disconnected and scattered, such as rhythms, notes, and tones in music; in mathematics, lines, figures, distances, and sizes; in astronomy, the revolution of the heavens, the risings, settings, and movements of the heavenly bodies; in grammar,¹⁵³ the examination of the poets, the investigation of the stories, the explanation of words, and the sounds that should be used in pronouncing them; and finally in our subject here (the theory of speaking), devising what to say, style, arrangement, memory, and delivery, were once, it
- 188 seems, in disorder and scattered far and wide. And so a certain art was invoked from outside, from some different branch of knowledge that the philosophers claim is entirely theirs, in order to cement together material that had previously been disjointed and kept apart, and to tie it together with the help of a certain method.¹⁵⁴ Thus, the civil law may be said to have the following purpose: the preservation of equality of rights, founded on statute and custom, in the concerns and judicial disputes of our citizens.¹⁵⁵
- 189 Next we must identify the various classes of cases, reducing them to a definite number, which should be as small as possible. Now a class¹⁵⁶ is that

¹⁵⁰Tradition has it that Gnaeus Flavius, secretary of the famous Appius Claudius Caecus (censor in 312 BC), was the first to make public the *fasti* (i.e., the list of consuls and the dates on which legal business could be conducted) as well as the formulas of judicial procedures (above, note 123 at 1.167), which before that time had been under the control of the priests (*pontifices*).

¹⁵¹On "art" in the strict sense, see 1.92, 107–110.

¹⁵²Cicero himself was interested in the problem of systematizing the civil law, and seems to have written "On Reducing the Civil Law to an Art" (Gellius 1.22.7). Such systematization was accomplished between 55 BC, when *De oratore* was composed, and 46, when he wrote (*Brutus* 150–157) that Servius Sulpicius Rufus had done it. See LPN: 25–27.

¹⁵³On the ancient discipline of grammar, see Glossary at "grammarians."

¹⁵⁴The branch of knowledge to which Crassus here refers is that of dialectic. See Glossary, and Rawson's accounts cited there for the role of dialectic as an organizing discipline.

¹⁵⁵Here begins Crassus' description of how the dialectical process should be applied to the civil law.

¹⁵⁶I.e., a genus (the Latin has *genus*, but that was not yet a technical term).

which includes two or more species¹⁵⁷ that are similar to one another because they have certain things in common, but are different by virtue of their appearance. Species, in turn, are those categories that are logically subordinated to the classes from which they derive. And as to all the names of both the classes and the species, the meaning of each must be described by definitions. A definition is, of course, some short, concisely expressed statement of those features that are proper to the object we wish to define. I would add examples to all of this, were I not aware in whose company I am discussing these things. As it is, I will briefly summarize my account. If I am permitted to do what I have had in mind for a long time, or if I am prevented from doing it and somebody else anticipates me, or accomplishes the task when I am dead, first organizing the entire civil law into a very limited number of classes, then dividing those classes into what we might call branches, and next indicating the precise meaning of every term involved by means of a definition—then you will have a complete art of the civil law, and this art will be extensive and rich rather than difficult and obscure.

190

“But in the meantime, while this scattered material is still being collected, it is quite possible, by culling information here and there and by gathering it from every available source, to supply oneself with the knowledge of the civil law that we are talking about. Take, for example, Gaius Aculeo, an *eques*,¹⁵⁸ who is singularly acute but by no means very learned in the other arts (he is, and always has been a close friend of mine): you must have noticed that he has such a grasp of the civil law that, if you except Scaevola here, he is ranked above all the greatest experts in the field. The explanation is that all of its material lies right before our eyes, it is part of the practice of daily life, of people meeting each other, of the activity in the forum, and it can be found entirely in writings and books that are neither massive nor numerous. For, in the first place, the same material was published by several people; moreover, it was written down again and again, with only slight changes in formulation, even by the same authors.

191

192

“Another factor that makes the civil law easier to understand and master is something that most people find hard to believe: studying it is pleasant and brings with it a marvelous kind of enjoyment. For, if anyone enjoys the studies made so popular by Aelius,¹⁵⁹ then all areas of the civil law, as

193

¹⁵⁷“Species” is here used as being the accepted term in English. When Cicero was writing *De oratore*, the Latin terminology had not yet been fixed, and for what later would be called *species*, he here employs *pars* (see LPN).

¹⁵⁸For *eques*, see Glossary. The reason for the emphasis on Aculeo’s social status is that knowledge of the law was, in 91 BC, still almost exclusively restricted to the senatorial class (see also 1.198 below).

¹⁵⁹Lucius Aelius Stilo Praeconinus (ca. 150–after 90 BC) was a celebrated grammarian and antiquarian. One of his works was a lexicon, in which he gave etymologies and explanations of ancient words from the Twelve Tables and other sources. Cicero and Varro were among his pupils (*Brutus* 205–207). For such studies and their popularity, see Rawson 1985: 233–249.

well as the books of the priests¹⁶⁰ and the Twelve Tables offer him a rich picture of the past. One can learn about ancient, archaic words there, and also, certain types of legal formulas reveal our ancestors' customs and their way of life.

"Or if anyone likes the discipline of politics (which Scaevola thinks¹⁶¹ is not the province of the orator but rather of someone at home in another kind of expertise), he will find that this is entirely contained in the Twelve Tables, because all useful institutions and the whole organization of the community and the State are described there.

194 "Or if anyone takes delight in this powerful and proud philosophy of yours, I will even venture to say that he will have here, in the contents of the civil law and the law set forth in the Tables, the sources for all of his discussions. For they show us that what is honorable is especially to be pursued,¹⁶² since virtue and hard work, performed with justice and rectitude, are adorned with high offices, rewards, and glory, while vices and offences are punished by fines, degradation, fetters, flogging, banishment, and death. We are also taught, not by endless, overpolemical discussions, but by the authoritative nod of the laws, to subdue our lusts, to hold in check all our desires, and to protect our own property, while keeping our thoughts, our
195 eyes, and our hands off what belongs to others. Let them all grumble if they like, but I shall speak my mind: I truly believe, if you look at these ultimate sources of our laws,¹⁶³ that the little booklet of the Twelve Tables alone is weightier in authority and richer in usefulness than the libraries of all the philosophers.

196 "And if we take delight in our country, as we especially should—this feeling has such a powerful natural force that the wisest of men counted even immortality second to his own Ithaca, perched though it was like a small nest among the most rugged of tiny rocks¹⁶⁴: what great love, then, should be burning in us for a country that stands alone, in all the world, as the abode of virtue, power, and magnificence? In the first place, we must be familiar with its spirit, its customs, its traditional order and morals, partly because our country is parent to us all, and partly because the wisdom employed in framing the law must be considered every bit as great as the wisdom employed in acquiring the enormous might of its present dominion.
197 From studying the law you will also reap another pleasure, another delight: the easiest way to appreciate how superior the insight of our ancestors was

¹⁶⁰These books were kept in the *regia*, the official residence of the priestly college of the *pontifices*. They contained regulations concerning religious matters, prayer formulas, etc.

¹⁶¹See 1.35–40.

¹⁶²"To be pursued" (*expetendam*) is a philosophical term; see note 190 at 1.221.

¹⁶³The Twelve Tables were probably often seen as the ultimate source of later laws (see Livy 3.34.6).

¹⁶⁴Odysseus preferred to continue on his quest for his homeland, Ithaca, despite Calypso's offer of immortality (*Odyssey* 5.135–136).

to that of the other nations of the world is to compare our laws with the legislation of their Lycurgus, Draco, and Solon. For all other systems of civil law, compared with our own, are incredibly primitive and almost ridiculous. When I argue, in my daily conversations, that the wisdom of our people surpasses that of all others, especially that of the Greeks, I always have a lot to say on this particular point.

198–200 *Crassus continues: other advantages of knowing the civil law*

“These were the reasons, Scaevola, why I said that studying the civil law was necessary for those wishing to be perfect orators. Furthermore, everybody knows how much honor, influence, and esteem the knowledge of the law, in and of itself, confers on its leading practitioners. Accordingly, in Greece, men of the lowest social station, hired for a mere pittance, act as assistants to orators during trials (they call them ‘legal aids’¹⁶⁵). But here in our community it is, by contrast, the most eminent and distinguished who appear in this capacity. An example is the man whom our great poet,¹⁶⁶ precisely because of his knowledge of the civil law, styled

a man who’s admirably shrewd, the sagacious Aelius Sextus.

And there were many others besides him. They began by creating an esteemed position for themselves on the authority, so to speak, of their natural ability, but subsequently even managed to make their prominence in rendering legal opinions depend less on this natural ability than on the personal authority they had gained. Moreover, what more honorable haven can there be, with a view to granting distinction and grace to old age, than the interpretation of the law? For my own part, from the time of my youth I have been preparing this resource of the law, not only for using it in cases in the forum, but also to lend dignity and grace to my advancing years. Once my bodily strength has begun to fail (and this time is already approaching), I can thus protect my house from the solitude that often comes with old age.¹⁶⁷ For nothing is more splendid than, after serving in high office and performing one’s services to the State, to be able to say as an old man, with full justification, what Pythian Apollo said in Ennius’ poem¹⁶⁸: that he is the

¹⁶⁵“Legal aids” renders the (Greek) term *pragmatici*, which Crassus uses here.

¹⁶⁶i.e., Ennius (239–169 BC). The line is quoted from the tenth book of his *Annals* (line 326 ROL). Sextus Aelius Paetus, called Catus (“the Sagacious”), consul in 198 BC, wrote a legal work known as the *Tripertita*; his collection of legal formulas (the so-called *ius Aelianum*) may have been part of this, but may also have been a separate work (see LPN: 98–99).

¹⁶⁷Again, Cicero suggests a parallel between Crassus (who is 49 here) and himself. When writing this, Cicero was 51, and around that time was also contemplating spending his time giving legal advice (see *On the Laws* 1.10).

¹⁶⁸“Pythian” means “Delphic, from the Delphic oracle,” and is a regular cult-title of Apollo. The verses are from one of Ennius’ dramas, probably from a tragedy. The more specific ascription to the *Eumenides*, given, e.g., in ROL I, pp. 268–271, is uncertain.

one from whom, if not 'peoples and kings,' then at any rate all his fellow citizens seek counsel for themselves,

uncertain at a critical point; I send them on their way,
all, by my help, from insecurity now secure, confirmed
in counsel, not with rashness now to treat a turbulent task.

- 200 Without any doubt, the home of the legal adviser is the oracle of the entire community. The door and entrance court of Scaevola here bear witness to this. In spite of his very poor health and his already advanced age, they are crowded by a vast throng of citizens every day, and graced with the splendor of highly distinguished people.

201–203 *Crassus rounds off the subject:
other areas of the law*

- 201 "Other points do not require a long exposition,¹⁶⁹ such as why I think the orator should also be familiar with all aspects of public law¹⁷⁰ (which is closely connected with the State and our dominion), as well as with the annals of past events and the examples and precedents of ancient times. For the argument is analogous to the one about private cases and lawsuits, where a speech must often be derived from the civil law: as I said earlier, an orator should therefore necessarily know this subject. Likewise, in public cases—before the criminal courts, in public meetings, and in the Senate—this entire record of the past, the authority of public law, and a knowledge of the methods of political leadership must, like some sort of building material, stand at the disposal of those orators who are active in the State. After all, what we are looking for in our discussion here is not some second-rate pleader, a shouter, or a ranter. The man we are searching for is,¹⁷¹ in the first place, the high priest of his art, an art whose great powers, it is true, were bestowed upon the human race by nature herself, but which is at the same time regarded as having had a god for its creator: the very faculty that is the hallmark of humanity appears not to have been produced through our own agency, but to have been presented to us from above by divine decree. It is the man, moreover, who can walk unharmed even amid the weapons of the enemy, protected not so much by the herald's staff as by the title of orator¹⁷²;
- 202

¹⁶⁹Crassus, after his argument about an orator's need for knowledge of the civil law, now returns to what Scaevola asked him in 1.165.

¹⁷⁰"Public law" translates *ius publicum*, a term whose meaning was not well fixed: at its broadest, it included laws as well as customs in the areas of state organization, administration, criminal law, sacred law, and regulations concerning the relationship between Rome and her allies and provinces. See LPN, and D. Cloud in *CAH IX*²: 498–499.

¹⁷¹Tone and content here are much like that of Crassus' earlier praise of eloquence in 1.30–34.

¹⁷²Crassus here alludes to the old meaning of *orator*, i.e., "envoy." The herald's staff was a token of peace, which made him inviolable, and Cicero here obviously supposes that these envoys often carried such staffs. (This was probably originally true only of Greek heralds; cf. Wissowa 1912: 551, note 7.)

the man who is able, through speech, to expose to the hatred of their fellow citizens the crime and deceit of the guilty, and by punishment to keep them in check, and to free the innocent from the penalties of the law by protecting them with his intellect; and who can also, when the people are languishing or going astray, rouse them to a sense of honor or lead them away from error or fire their rage against the wicked or soothe them when stirred up against the good. He is, in short, the man who is able, through speech, to arouse or calm in people's hearts any emotion that the circumstances and the case demand. Anyone who believes that this power has been described by those who have written on the theory of speaking, or that it could be described by me in such a brief span of time is grossly mistaken and fails to recognize not only my ignorance, but even more the real scope of all that is involved in it. For my part, I thought that I should show you, since that is what you wanted, the sources from which you might draw and the paths leading to them, not with the intention of guiding you there myself—that would be an endless task, and unnecessary too—but only of showing you the way, as one usually does, by pointing my finger in the direction of the sources.” 203

204–209a Interlude

“I certainly think,” said Scaevola, “that you have done enough, and more, to satisfy the eagerness of your friends, if they are indeed eager. We are told that Socrates always said that his work was done if he had sufficiently succeeded, by his exhortations, in stirring someone to an eagerness for learning and for understanding about virtue¹⁷³ (since people who were convinced that they wanted nothing so much as being good, could easily learn the rest). And in the same way, as I understand it, if the two of you have developed the wish to enter upon the way that Crassus’ discussion has opened up for you, then you will very easily arrive at your desired destination, now that he has unlocked the door through which you can approach it.” 204

“We have thoroughly appreciated and enjoyed what you said,” remarked Sulpicius. “But we still want to know a little more, particularly concerning what you treated so very cursorily when you were talking about the art itself, Crassus: For you did admit that you do not despise such matters and that you have, actually, learned them yourself.¹⁷⁴ If you speak a little more fully about these things, you will completely satisfy the hope and desire we have cherished for so long. For we have now heard what we should be eager to achieve, which is, by all means, important in itself. But we still very much want to learn the ways that lead to it and the method we should use.”¹⁷⁵ 205

¹⁷³Though this picture is consistent with the picture of Socrates found in Plato or Xenophon, there is no passage that really corresponds to it.

¹⁷⁴Sulpicius comes back to the question of “art,” as he had announced in 1.148. Crassus had briefly treated this in 1.137–146, saying (in 137 and 145) that he had learned its rules, and (in 145) that he saw at least some limited use for it.

¹⁷⁵Our interpretation here differs from that of LP.

206 "Well," Crassus replied, "in order to keep you with me more easily, I have already followed your wishes rather than my own habits and inclinations. So what about asking Antonius to reveal to us what he is keeping to himself and has not until now made public—apart from that little book that slipped away from him, about which he's been complaining for a long time.¹⁷⁶ What about asking him to disclose those mysteries of oratory?" "As you wish," Sulpicius said, "for if Antonius gives us his views, that will also
207 show us how you understand the matter." "Well then, Antonius," continued Crassus, "since this burden is laid upon us, old as we are, by the eagerness of these young men, I am asking you to tell us your ideas on the subjects about which, as you see, they would like to hear from you."

"What I do clearly see and understand," replied Antonius, "is that I am trapped, not only because I am being asked about things that are beyond my knowledge and experience, but also because your friends do not allow me to avoid now what I do anything to escape when pleading, I mean hav-
208 ing to speak after you, Crassus. But I shall approach the topics that you want me to talk about more confidently, because I hope that in this discussion the same thing will happen that always happens when I am pleading, namely that people do not expect a highly wrought speech. After all, I am not going to speak about the art, which I never learned, but about my own practice. The very material I recorded in my little notebook is really of this same sort: it is not something that was imparted to me by some theory or other, but it is what I use in my actual experience of handling cases. If such things do not find favor with you men of high learning, you will have to accuse yourselves for being so unfair in trying to learn from me what I do not know, but to praise me for being so obliging. For, induced by your eagerness rather
209 than my own judgment, I shall ungrudgingly answer your questions." "Just go on, Antonius," said Crassus. "For it is quite safe to assume that anything you say is going to be thought out so well, that none of us will regret having pushed you into this conversation."

209b–218 *Antonius' first objection:*
definition of the orator

"I will indeed go on," he said, "and I will do what, in my opinion, ought to be done at the beginning of every discussion, that is to formulate what it is that is being discussed. This should prevent a discourse from losing direction and wandering, as is bound to happen if the disputants do not under-
210 stand the point at issue in the same way. If, for example, the subject of inquiry happened to be the art of the general, my view would be that we should first of all determine what a general is; and once we had determined him to be someone who manages war, we would then proceed to add particulars about armies, camps, marching formations, engaging in pitched battle, attacking towns, handling supplies, laying and avoiding ambushes, and all

¹⁷⁶See 1.94. Cicero makes Crassus imply that Antonius has long been complaining to his friends about this, not just today.

other matters that are essential for managing a war. Those who had a knowledge and a real mastery of such things I would call generals, and I would employ the examples of men like Scipio Africanus and Fabius Maximus, and I would name Epaminondas and Hannibal and others of that description. Or, if we were inquiring about what sort of person it is who has invested his experience, knowledge, and energy in the guidance of the State, I would define him as follows: he who understands as well as utilizes the means by which the state's interests are secured and advanced should be regarded as the helmsman of the state and the author of public policy. And I would cite Publius Lentulus, the famous leader of the Senate,¹⁷⁷ and Tiberius Gracchus the Elder and Quintus Metellus and Scipio Africanus and Gaius Laelius and countless others,¹⁷⁸ both from our community and from abroad. Or, if the subject of inquiry were who is rightly called a jurisconsult, I would say the person who is an expert in the laws and in the customs that private citizens observe as members of their community, and who is qualified to give legal advice, offer guidance for conducting cases, and formulate legal stipulations.¹⁷⁹ And in that category I would mention Sextus Aelius, Manius Manilius, and Publius Mucius Scaevola.¹⁸⁰ To turn now to the less important arts, if we should inquire about the music theorist, or the grammarian,¹⁸¹ or the poet, I would, in the same way, be able to explain what each of them can claim as his profession, and the most that ought to be required of each. Finally, even for the philosopher, though he is the only one to stake an almost universal claim for his own capacities and wisdom, we can still find something like a description: this name is given to the person who strives to know the essence, nature, and causes of all things human and divine, and to understand and pursue the entire method for leading the right life.

"Now as to the orator, since he is the subject of our inquiry, my picture of him is different from the one Crassus gave, for he seemed to me to extend the single function and title of orator over all knowledge of all subjects and arts. I rather regard him as someone who, in cases such as commonly arise in the forum, is able to employ language pleasant to the ear, and thoughts suited to persuade. To this man I give the name of orator, and I would also like him to be equipped with an appropriate voice and delivery, and a certain wit. Our friend Crassus, actually, seemed to me to delimit the

¹⁷⁷The Latin has *princeps*, "leader" (omitting "of the Senate"), but this almost certainly refers to the fact that Publius Lentulus had been *princeps senatus*, "leader of the Senate." This was the senator who was placed at the top of the list by the censors and functioned as the senior member of the Senate.

¹⁷⁸For Tiberius Gracchus the Elder see 1.38. The Scipio Africanus mentioned here is clearly Scipio the Younger, whereas the Scipio Africanus mentioned in 1.210 must be the Elder. For the others mentioned here, see the Index.

¹⁷⁹This probably refers to clauses (*exceptiones*) such as those mentioned in 1.168, and to clauses in contracts such as those alluded to in 1.174, 178, 179.

¹⁸⁰Sextus Aelius was mentioned in 1.198; Publius Mucius Scaevola is the legal expert already mentioned in 1.166; for Manius Manilius, see Index.

¹⁸¹For "grammarians," see Glossary.

- capacity of the orator not by the boundaries of the art concerned, but by the virtually immeasurable limits of his own talent. If we follow his opinion, even the helm of state is handed over to the orator, and I was really surprised, Scaevola, that you granted him this point,¹⁸² seeing that the Senate has, time and again, followed your proposals on matters of the highest importance, though you spoke briefly and without any polish. And indeed, I am reminded of Marcus Scaurus, who, as I am told, is at his country estate not far away. He is particularly knowledgeable in managing the affairs of State,¹⁸³ and if he should hear that this authority that he derives from his dignified character and his wise counsel is being claimed by you, Crassus, in that you say that it belongs to the orator, I think he'd immediately come here and frighten our talkativeness into silence merely by the look on his face. For, although not at all a negligible speaker, he still relies more on his sound judgment in handling important affairs than on the art of speaking.
- 215 If someone possesses both capacities, it certainly does not mean that he, being an author of public policy and a good senator, is an orator for that very reason; or that this accomplished and eloquent speaker, if he is at the same time an outstanding manager of public affairs, has acquired this knowledge by his proficiency in speaking. There is a vast difference between these skills; they are, indeed, quite distinct and separate. And Marcus Cato, Scipio Africanus, Quintus Metellus, and Gaius Laelius, all eloquent men, did not use one and the same method for adding brilliance to their oratory and to the dignity of the State. After all, there is no decree of nature or law or tradition to prevent any one person from mastering more than one art. So even
- 216 if, for example, Pericles was the most eloquent man in Athens and at the same time the leading statesman in that community for many years, that is no reason to assume that the two faculties are necessarily characteristic of the same individual and belong to the same art. Nor, if Publius Crassus was at the same time an eloquent man and an expert in the law, does it follow that oratorical ability automatically implies a knowledge of the civil law.¹⁸⁴
- 217 For if a prominent representative of one art also acquires mastery of another, and this accomplishment leads us to assume that what he knows about this second art is actually part of the field wherein he is prominent, then, on this principle, we could say that being good at playing ball and Twelve Lines¹⁸⁵ belongs to the civil law, since Publius Scaevola was a master at both these games. And on the same principle, it could be said that those whom the Greeks call natural philosophers [*physici*] are also poets, since the natural

¹⁸²Scaevola in his speech in 1.35–44 did not grant this point, but his resistance after Crassus' answer was much weaker (1.74–77); and in 1.164–165 and 204, his attitude to what Crassus says had actually become (mildly) positive.

¹⁸³Scaurus had succeeded Publius Lentulus, mentioned in 1.211 above, as *princeps senatus*.

¹⁸⁴The brothers Publius Crassus and Publius Scaevola (the legal expert mentioned below in 1.217) were also mentioned by Crassus in 1.170.

¹⁸⁵A Roman board game at which this Scaevola was particularly adept.

philosopher Empedocles composed a magnificent poem. But as it is, not even the philosophers, who want to possess all fields and claim them as their own property, are so bold as to assert that mathematics or music theory belongs to the philosopher, just because Plato is acknowledged by all to have been a consummate master of these arts.

"If you still want to assign all the arts to the orator, it is more acceptable to formulate the case as follows: since the faculty of speaking should not be barren and plain, but should be spiced and adorned with a pleasing variety of many subjects, let it be the mark of a good orator to have heard much, to have seen much, to have surveyed much in his thinking and in his reflection, and much also in his reading, though not to have acquired these things as his own possessions, but to have tasted what belongs to others.¹⁸⁶ For I admit that he ought to be a resourceful sort of man, an untrained novice in no subject, and no foreigner or stranger in the practice of pleading cases. 218

219–224 *Antonius' second objection: philosophy*

"I am really not troubled either by those histrionics of yours, Crassus, which are precisely those that the philosophers always use—I mean when you said that no speaker can inflame the feelings of an audience, or quench such flames once kindled (and it is indeed here that the great power and influence of the orator are chiefly apparent), unless he has gained a thorough understanding of the nature all things,¹⁸⁷ including human character and behavior, and that to this end the orator must necessarily master philosophy. But we see that in this pursuit, people blessed with the greatest talent and very ample leisure time have whiled away entire lives! I am far from scorning the abundance and range of their technical knowledge and learning—on the contrary, I admire it immensely. Still, for us, who are active in the forum and deal with our people as they are, it is enough that the things we know and say about human nature should not be at odds with human nature. For what great and impressive orator, who wanted to rouse the anger of the judge against his adversary, ever faltered because he wasn't sure whether anger was a disturbance of the mind or a desire to avenge pain?¹⁸⁸ Or what speaker, who wanted to stir up and excite any of the other emotions in a jury or a crowd, ever said the things that the philosophers always say? Some of them maintain that there should be no emotions at all in the mind, and that people who arouse the hearts of a jury commit a hideous 220

¹⁸⁶Antonius here concedes that the orator should know something, but goes considerably less far than Crassus did in 1.158–159, if only because he requires the orator merely to have surveyed the areas involved.

¹⁸⁷Antonius exaggerates: Crassus did imply that the orator needs to know about everything, but on other grounds (see 1.59, 64); for being able to play upon the audience's feelings, Crassus "only" said he must know about psychology (e.g., 1.53).

¹⁸⁸These were philosophical definitions (but Antonius shuns precision: the two definitions of anger he mentions are not necessarily incompatible; cf. *Tusculan Disputations* 4.21 and 24).

- crime. Others, who try to be more tolerable and to get closer to the realities of life, say that emotions should be really moderate, even mild.¹⁸⁹ The orator, however, by means of his words, greatly exaggerates and intensifies the bitterness of all those things that people, in the normal practice of everyday life, consider evil and distressing, and therefore to be avoided; in the same way he uses his speech to amplify and embellish what are commonly regarded as things to be pursued and desirable.¹⁹⁰ He wants to avoid appearing to be a sage among fools, for then his audience will consider him a pedant or some sort of Greek, or else—even if they mightily approve of the orator's talent—they will admire his wisdom but resent being fools themselves.¹⁹¹
- Instead, he ranges over human minds, probing the way they think and feel, without needing the definitions of the philosophers. Nor does he inquire in his speeches whether the highest good resides in the soul or the body, whether it must be defined in terms of virtue or pleasure, or whether these two can be combined and linked together, or whether, as some have thought, nothing can actually be known for certain, nothing can be clearly grasped and perceived.¹⁹² I admit that the teaching on such questions is vast and complex, and that the theories about them are numerous, rich, and varied. But, Crassus, we are looking for something different, something entirely different. We need someone of sharp intellect, with a resourcefulness that comes from talent and experience, who with keen scent can track down the thoughts, the feelings, the opinions, and the hopes of his fellow citizens and of those people whom he wants to persuade with his oratory. He must have his finger on the pulse of every class, every age group, every social rank, and get a taste of the feelings and thoughts of those before whom he is now, or in the future, going to plead some issue. As to the writings of the philosophers, let him reserve those for times of rest and relaxation such as we are now enjoying at this Tusculan villa, so that he might not be tempted to borrow from Plato, if he should at some time be required to speak about jus-

¹⁸⁹The first view was held by the Stoics (see, e.g., 1.230 below), the second by the Peripatetics (e.g., *Tusculan Disputations* 4.38).

¹⁹⁰Antonius chooses his words carefully, in order to stress the difference between the views of the philosophers and common opinion about such things. With "things to be avoided" (*fugienda*) and "things to be pursued" (*expetenda*), he deliberately employs technical philosophical vocabulary, and he combines these with the more common words "distressing" (*molesta*) and "desirable" (*optabilia*), which hardly occur in technical philosophical contexts. "Evil" (*mala*) is used in philosophy, but is also a perfectly common word.

¹⁹¹Again, a clear allusion to the views that he rejects: the antithesis between the sage (or wise man) and fools was standard Stoic doctrine.

¹⁹²The "highest good" (*summum bonum*, τέλος), i.e., the ultimate goal that should determine human life, was one of the chief ethical issues discussed by the Hellenistic philosophical schools, and is the subject of Cicero's *On the Highest Good and the Highest Evil* (*De finibus*). The alternatives given here are clearly presented in, e.g., *Tusculan Disputations* 5.84–85. The philosophers from the "New Academy" were sceptical, holding that no knowledge is possible (see also Introduction, pp. 21, 24).

tice and loyalty. For Plato, when he thought fit to express these concepts in words, fashioned on paper a completely new society: apparently, his view of what ought to be said on the question of justice¹⁹³ was completely at odds with everyday life and with the normal character of human societies.

225–233 *Antonius illustrates his point*

“If all these views actually did have the approval of nations and societies, 225
would anyone have allowed you, Crassus, a man so very eminent and distinguished and a leading figure in our community, to say what you said to that huge meeting of your fellow citizens? ‘Deliver us from our miseries, deliver us from the jaws of those whose cruelty cannot be sated by our blood alone! Do not allow us to be slaves to anyone but yourselves, the people as a whole, whose slaves we can and ought to be.’¹⁹⁴ I’ll pass over ‘miseries,’ which, according to those philosophers, cannot touch a brave man; and I’ll pass over the ‘jaws’ from which you want to be delivered, that your blood might not be sucked up because of an unjust judgment, which they say cannot happen to a wise man. But how could you dare to say that not only you, but even the entire Senate, whose cause you were then pleading, ‘were slaves’? Can virtue be a slave, Crassus, according to the authorities you mentioned, whose teachings you incorporate within the orator’s skill—virtue, 226
which always and alone is free, and which, even if the body were made prisoner of war or bound with chains, would still have to maintain its independence and its unrestricted freedom in all things?¹⁹⁵ As for your additional statement, that the Senate not only can, but even ought to be slaves to the people, what philosopher could be so soft, so fainthearted, so spineless, so inclined to measure everything by the standard of bodily pleasure and pain,¹⁹⁶ that he could sanction the notion that the Senate is a slave to the people, when the people themselves have, so to speak, handed over to the Senate the reins, that is, the power to control and guide them? Accordingly, 227
while I thought your speech was truly inspired, Publius Rutilius Rufus, a learned man devoted to philosophy, claimed that it was not just inappropriate, but downright disgraceful and scandalous. Rutilius likewise used to express very severe criticism of Servius Galba (whom he said he could remember very well) for stirring up pity in the hearts of the people, on the oc-

¹⁹³The discussion in Plato’s *Republic* begins with the question of the nature of justice. Plato himself actually indicates that his state is an imaginary, ideal one (9.592 A–B).

¹⁹⁴This quotation is from Crassus’ speech supporting the Servilian Law (proposed by Q. Servilius Caepio in 106 BC). At that time, Roman juries were composed of *equites*; this piece of legislation aimed at transferring control of the juries back to the senatorial order (see *CAH IX*²: 511–512). “Us” here refers to the Senate, the adversaries are the *equites* and their supporters among the lower ranks.

¹⁹⁵According to the Stoics, the virtuous man was free, all the others slaves, and virtue could not be touched, even by the worst outward circumstances.

¹⁹⁶The reference here is to the Epicureans, who were often viewed as making bodily pleasure the center of their philosophy.

- 228 cation when Lucius Scribonius was calling for a special investigation of his actions,¹⁹⁷ and after Marcus Cato, a stern and bitter enemy of Galba's, had spoken of him in harsh and violent language before the people's assembly (Cato himself later wrote out this speech in his *Origines*¹⁹⁸). Rutilius, then, criticized Galba for his conduct: he had all but raised upon his shoulders his ward Quintus, the son of his relative Gaius Sulpicius Galus, so that he might move the people to tears by evoking the memory of the boy's illustrious father; he had also commended his own two little sons to the protection of the people, saying that he appointed the Roman people to be their guardian in their fatherless plight, as though he were a soldier making an emergency will just before a battle.¹⁹⁹ Although Galba was at the time hard pressed by widespread unpopularity and hatred, he was let off, Rutilius claimed, because of these histrionics. And I see that Cato gives the same explanation in his account of the affair: had he not exploited these children and these tears, he would not have escaped punishment. Rutilius vigorously condemned all this: he said that even exile or death was preferable to such degradation.
- 229 "Nor was this just empty talk on his part, but he really believed in it and acted on it himself. For he was, as you know, a model of integrity, and no one in our community was more pure and upright; yet, when he had to appear before a jury, he not only refused to appeal humbly for mercy, he did not even want his case to be argued with any more embellishment or freedom than the plain truth of the matter allowed.²⁰⁰ He allotted only a very small portion of the defense to our young friend Cotta here, despite his being a very accomplished speaker and the son of Rutilius' sister. Quintus Scaevola²⁰¹ also pleaded a part of the case in his own inelaborate way, plainly

¹⁹⁷As *propraetor* in Spain (150 BC), Galba had treacherously killed eight thousand Lusitanians who had surrendered and sold the rest into slavery. Scribonius, as tribune of the plebs in 149, was calling for a special investigation (*quaestio extraordinaria*) to call into account Galba's actions.

¹⁹⁸This was the first historical work in Latin, written by Cato in his old age. It dealt with, among other things, the foundation narratives ("Origins") of Rome and other towns of Italy.

¹⁹⁹Wills were normally made "with bronze and scales," just as sales were (see note 130 at 1.173). The text here mentions wills made without such formalities (*sine libra atque tabulis*, "without scales and documents"), i.e., "emergency wills." These were made orally by soldiers just before a battle, with the army drawn up in battle array apparently functioning as witnesses. The practice disappeared with Sulla's military reforms.

²⁰⁰Rutilius had been on the staff of the governor Quintus Mucius Scaevola in the province of Asia (the same Scaevola who is mentioned in 1.180), probably in 98 or 97 BC (see Broughton 1986: 145–146). They had fought the corruption of the tax collectors, who were normally *equites* (knights), and this had earned them the hatred of these citizens, who at that time controlled the juries. In 92, he was charged with corruption during this service. After his conviction, he went into exile in Asia, where he was hospitably received.

²⁰¹Not the Scaevola here present; see previous note.

and clearly. Now Crassus, imagine that you had spoken on that occasion— you who just a little while ago claimed that the orator should have recourse to the discussions of the philosophers in order to enhance the fullness of his speech—, and that you had been permitted to plead on behalf of Rutilius, not in the manner of the philosophers, but in your own. In that case, however wicked these jurors had been (as they indeed were—pernicious citizens who deserved grave punishment!), the power of your oratory still would have rent all ruthlessness entirely from their hearts. As it is, a man of such caliber has been lost to us because his case was pleaded as if the matter were conducted in that imaginary state of Plato's. None of his advocates uttered a groan or a shout, there was nothing that pained any of them, none complained or appealed to the Roman State or begged for mercy—why say more? During the entire trial, none of them even stamped his foot, for fear, I suppose, of being reported to the Stoics!²⁰²

230

"A Roman, actually a former consul, thus followed the famous example of Socrates of old, who was the wisest of men and had lived entirely blamelessly. When on trial for his life, he pleaded his own case in such a way that he seemed not a defendant or a suppliant at the mercy of the jury, but rather their teacher or master.²⁰³ The highly accomplished orator Lysias even brought him a written speech that he could learn by heart, if he liked, and use for his defense at the trial. He read it not unwillingly and commented that it had been written in a manner that suited the occasion. 'But,' he said, 'if you had brought me a pair of Sicyonian shoes,²⁰⁴ I would not wear them, no matter how comfortably and well they fit my feet, because they would be unmanly. In the same way, it seems to me that your speech is a truly oratorical accomplishment, but I don't think it is brave and manly.'²⁰⁵ As a result, he too was condemned, not only on the first vote, by which the jury merely determined whether to condemn or acquit, but also on the second vote prescribed by law. For at Athens, if the defendant had been found guilty and the crime was not in itself a capital one, there was, so to speak, an assessment of the penalty; whereas the verdict rested with the jurors, the defendant was asked in a kind of assessment what penalty he acknowledged that he most deserved. When this question was put to Socrates, he replied that he deserved the distinction of the most splendid honors and rewards, and to be granted daily sustenance at public expense in the Prytaneum, this being the honor that the Greeks consider higher than any other.²⁰⁶ His re-

231

232

233

²⁰²The Stoics (as Cicero's readers knew) were the philosophical sect to which Rutilius belonged; see *Brutus* 113–116, where the story of the trial is told again.

²⁰³See Socrates' speech as presented by Plato in the *Apology*.

²⁰⁴A soft kind of shoe, mainly worn by women.

²⁰⁵This story is almost certainly apocryphal.

²⁰⁶The Prytaneum was a building in Athens (not identical with the "Tholos" in the Agora, as has long been thought), where a very limited number of people were entertained at public expense, either once or permanently. The latter, most honorific form (which could be granted, e.g., to victorious generals) is what Socrates is here said provocatively to have proposed as his "penalty" (cf. Plato, *Apology* 36 D–37 A).

sponse so infuriated the jury that they condemned a man of highest integrity to death. If he had been acquitted—and really, even though it is nothing to us, still for the sake of his greatness I wish he had been—how in the world could we have ever put up with those philosophers of yours? Even as it is, with Socrates condemned for no other fault but his ignorance of how he should speak, they still tell us that the rules for speaking must be obtained from them. I am not going to quarrel with them about which of the two pursuits is better or more true: all I am saying is that theirs is one thing, ours another, and that ours can reach the highest level without the help of theirs.

234–247 *Antonius' third objection: legal knowledge*

- 234 "Now as to the civil law, Crassus, I see what you were trying to do when you so passionately embraced it; in fact, I noticed it already while you were speaking. First of all, you wanted to oblige Scaevola, who absolutely deserves the affection of us all for his extraordinary affability. When you saw that his art was undowered, unattended, and unadorned, you enriched and adorned her with a dowry of words. Secondly, because you have spent a great deal of effort and labor on it, having someone in your family to encourage and to teach you in its pursuit, you were afraid that, unless you gave a speech that magnified this art, you would have wasted your efforts.
- 235 But I am not going to quarrel even with this art; let it by all means be as important as you make it out to be. Indeed it is unquestionably a great thing, it has broad application, it affects many people, it has always been held in highest regard, and even today our most distinguished citizens are leading exponents of its practice. But, Crassus, in your desire to deck out the knowledge of the civil law in a novel costume that does not belong to her, watch that you do not at the same time strip and rob her of the dress that every-
- 236 one concedes has always been her own. For if you were claiming that anyone who is a jurisconsult is also an orator and, likewise, that anyone who is an orator is at the same time a jurisconsult, then you would be setting up two noble arts, equal to each other and partners in dignity. As it is, you admit that there can be, and indeed have been, numerous jurisconsults who did not possess the kind of eloquence that we are examining, while you deny that one can be an orator without also acquiring this knowledge of the law. Thus, from your point of view, the jurisconsult in his own right is nothing but a cautious and clever legal technician, a crier of prescribed phrases, a chanter of formulas, a snatcher of syllables. But just because the orator often enlists the support of the law when pleading his cases, you have attached legal knowledge to eloquence as a sort of slave girl, an attendant.
- 237 "Now you expressed your astonishment at the shamelessness²⁰⁷ of those *patroni* who, although they are ignorant of the small points, claim to be able to manage great matters, or who dare to handle in court the most important questions of civil law, although they are ignorant of such matters and have never learned them. Either practice, however, admits of a simple and obvi-

²⁰⁷See 1.173–184.

ous defense. For in the first place, we need not be surprised if someone who does not know the wording for the ceremony of a marriage by purchase²⁰⁸ can still plead the case of a woman who has been married in that way; nor does it follow, if the knowledge needed for steering a small boat and that needed for a large ship are the same,²⁰⁹ that someone who does not know the wording required for the partition of an inheritance is also incapable of conducting a case about such a partition of an estate among the heirs.

“In the second place, as for those very important cases you cited, which come before the Council of One Hundred and hinge on the law, was there really any of these that could not have been pleaded with great distinction by an eloquent man who lacked expertise in the law? Indeed, in all of those cases, there was complete disagreement among the leading experts about the legal issues, as in the celebrated case of Manius Curius which you recently conducted, and in the dispute in which Gaius Hostilius Mancinus was involved, and also in the case of the boy who had been born to a second wife without the first wife having been given a notice of divorce.²¹⁰ So my question is, what help could knowledge of the law offer the orator in these cases, when the jurisconsult who was going to win the day was the one who was sustained not by his own professional skill, but by another’s—that is, not by knowledge of the law, but by eloquence? Indeed, I have often heard the story about a farmer who approached Publius Crassus to ask his advice on a point of law. This happened when Crassus was standing for the aedileship, and was escorted on his campaign by Servius Galba, who was older than he was and had already held the consulship (a marriage having been arranged between his son Gaius and Crassus’ daughter).²¹¹ When the farmer had taken Crassus aside and had put his case before him, he was given a response that was correct rather than suited to his interests. Galba, noticing that the man was dejected, called out to him by name²¹² and asked him what case he had put to Crassus. When he had heard him out and saw that the man was distressed, he said, ‘I see that Crassus was agitated and preoccupied when he gave you this answer.’ Then he grabbed Crassus himself by the arm and said, ‘Hey, Crassus, whatever possessed you to give an answer like that?’ And Crassus, relying on his great expertise, confidently declared that the matter was as he had stated in his response, and that there could be no doubt about it. Galba, however, playfully and with copious and varied illustrations, adduced many analogous cases, and gave many arguments

238

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²⁰⁸Through this type of marriage (which in early times was obviously a form of purchase) the woman entered into the *manus* of the man, i.e., she fell under his authority and became formally part of his household.

²⁰⁹Antonius here takes up the argument advanced by Crassus in 1.174.

²¹⁰See 1.180, 181–182, and 183 respectively.

²¹¹This is the Publius Crassus mentioned in 1.170 and 216. Galba is the famous orator. See Index.

²¹²When campaigning, candidates usually took with them a so-called *nomenclator*, who prompted them with the names of the people they met.

in defense of equity against the letter of the law. Then Crassus, not being able to match him in argument,—to be sure, Crassus was among our accomplished speakers, but by no means a match for Galba—took refuge in authorities, pointing out that his own pronouncement was also to be found in the books of his brother, Publius Scaevola,²¹³ and in the treatises of Sextus Aelius. Yet he admitted that Galba's arguments seemed plausible to him, and perhaps even correct.

241 "Cases, on the other hand, that are such as to admit no doubt about their legal aspects are not brought into court at all. Does anyone claim an inheritance on the strength of a will made by the head of a household before a son was born to him? Nobody does, because it is a well-known fact that a will is invalidated by the subsequent birth of an heir. There are, then, no trials that turn on a point of law of this kind. So, when conducting his disputes, the orator can safely ignore this entire part of the law, and this part
242 undoubtedly forms by far the largest portion of the subject. But even in the area of the law that is a matter of debate among the leading experts, it will not be difficult for an orator to find an authority in support of whichever side he is defending. And once he has received from such an authority spears fitted out with throwing-straps,²¹⁴ he himself will hurl them with the strong arm of the orator. Unless, of course—and I beg the kind indulgence of our excellent friend here²¹⁵ for saying this—, unless you pleaded the case of Manius Curius²¹⁶ by relying on Publius Scaevola's little books or the precepts of your father-in-law, instead of taking up the patronage of equity and championing the interpretation of wills according to the intentions of the dead.
243 In my opinion, at least (for I was often there at the trial to hear you), you won by far the greatest part of the jury's votes by seducing them with your charming wit and your refined jokes, for instance when you poked fun at the excessive ingenuity of Scaevola and marveled at the power of his intellect, which had allowed him to figure out that in order to die, it is first necessary to be born; and also when you drew on the laws, the decrees of the Senate, and everyday life and language, to give a clever, but at the same time highly amusing and witty collection of cases in which nothing at all would be achieved if we took the words as our guide, instead of what is

²¹³The two brothers, Publius Crassus and the legal expert Publius Mucius Scaevola, have also been mentioned together in 1.170 and 216–217.

²¹⁴Spears, as used by soldiers but also by gladiators, when fitted with a strap, were ready for hurling; by using the strap, the thrower gave the spear a spinning movement, which increased distance and accuracy.

²¹⁵Antonius of course means Quintus Scaevola, Crassus' father-in-law, who is present. In the sequel, he refers to two other members of the same family, which had a tradition of legal expertise. The Scaevola mentioned by name in the next line is the famous jurisconsult Publius Scaevola, who was the brother of Publius Crassus and was also mentioned in 1.240 (and earlier). The latter Scaevola's son, Q. Scaevola "Pontifex," was Crassus' opponent in the *causa Curiana*; he is mentioned in the next section (243).

²¹⁶For the *causa Curiana*, see 1.180.

meant by them. And so the proceedings were filled with cheerfulness and laughter. I cannot see what help your training in the civil law gave you in this affair; what did help you was your outstanding power of speech, combined with a charming and unrivalled sense of humor. Even Scaevola himself, the defender of the civil law of his father and the champion, as it were, of his own patrimony—when he spoke as your opponent in this same case, was there anything among the arguments he advanced that sounded as if it had been drawn from the civil law? Did he quote any statute? Did his speech disclose anything that would have been too obscure for a layman? Why, his entire oration was concerned with defending the view that the written text should carry the most weight. But all boys practice this kind of thing with their teachers, when they are taught in cases of this sort how to defend the text on one occasion, equity on another. And take the case of the soldier.²¹⁷ If you had represented either the heir or the soldier, you would have resorted to Hostilius' collection of legal procedures, I suppose, instead of to your own powers and oratorical skill!²¹⁸ No, on the contrary, if you had been defending the claims of the will, you would have pleaded your case in such a way that the entire legal security of every will in the world would have seemed to depend on the outcome of this trial. And if you had been pleading the case of the soldier, you would, in your usual way, have raised his father from the grave by your speech; you would have placed him before our very eyes; he would have embraced his son and, weeping, would have entrusted him to the care of the One Hundred; I swear, you would have forced every stone to weep and wail, and, as a result, the very phrase 'as he has declared with his tongue'²¹⁹ would seem to have been written not in the Twelve Tables, which you prefer to all the libraries in the world,²²⁰ but in the refrain of some schoolmaster.

"Now you also censured the laziness of the young,²²¹ since they fail to learn this art of yours with any thoroughness, although it is, in the first place, very easy. Just how easy it is, is a question I leave to those who, relying on the arrogance that comes with this art, strut around as though it were extremely difficult. It is also a question that you'll have to answer yourself: for you talk about the easiness of this art, while you concede it is still really no art at all, but some day will become an art, if someone will at some time first have learned another art in order to be able to fashion this into art. In the second place, you said that the study of the law is full of enjoyment. As to this point, everyone will gladly leave the pleasure for you to enjoy and will

²¹⁷See 1.175.

²¹⁸Antonius is being ironic, of course.

²¹⁹The phrase occurs in the Twelve Tables, VI. 1 (ROL III, pp. 456–457). It referred to the validity of a declaration (such as a will): "as he has declared with his tongue, so shall right hold good" (. . . *uti lingua nuncupassit, ita ius esto*). For further details, see the notes in ROL.

²²⁰See 1.195. Note that Antonius again slightly exaggerates Crassus' statements.

²²¹See 1.185–197.

put up with being deprived of it. And should it really be necessary to learn something by heart, there is no young man who would not rather memorize Pacuvius' *Teucer* than Manilius' *Formulas for Contracts for Sales*. Thirdly, you think that the love for our country should induce us to learn about the practices devised by our ancestors. But don't you realize that the old laws either have lost their vigor precisely because of their old age, or have been invalidated because of new legislation? And as for your notion that the civil law produces good men because its enactments hold out rewards for virtue and punishments for vice, I, for my part, always assumed that the way of teaching people virtue, at least if it can be taught systematically, was by instruction and persuasion, not by instilling fear through threats and force. And concerning vice, it is certainly possible, even without learning the law, to know that it is a really excellent thing not to behave badly.

248–255 *Antonius' own view of legal knowledge*

248 "As to myself being the only one to whom you grant the ability of doing justice to his cases despite a total lack of knowledge of the law,²²² I will tell you this, Crassus: I have never learned the civil law, and yet I have never felt the lack of such knowledge even in the cases which I have, successfully, argued before the praetor.²²³ For it is one thing to be a specialist in a particular subject and art, but another not to be a dim-witted know-nothing in the ordinary affairs of everyday life. Which of us has any time these days to visit our estates and inspect rural affairs, either for business purposes or for pleasure? Yet no one lives so entirely without eyes or mind as to be totally ignorant about what sowing is and reaping, or pruning trees and vines, or about the times of year for doing these things, or about the way in which they should be done. If, therefore, any one of us has to inspect an estate, or has to give instructions to a manager or orders to a steward about an agricultural matter, surely he doesn't have to make a thorough study of the books of Mago the Carthaginian, but can be content to rely on our ordinary knowledge? So why can't we likewise be sufficiently equipped in the area of the civil law, especially since our cases and all our business in the forum wear us out—sufficiently, at least, to ensure that we do not appear to be foreigners or strangers in our own country? And if, after all, we should be entrusted with a somewhat more obscure case, it would be difficult, I suppose, to consult with Scaevola here! Though actually, the people involved in a case usually ask advice on the matter themselves and have it examined before they entrust it to us. Or look at it this way: whenever the dispute centers on the facts themselves, or on boundaries without our actually inspecting the situation, or on account books and their entries, we always acquire, being compelled to do so, a thorough knowledge of intricate and often difficult matters. If, then, we must acquaint ourselves with statutes or with the legal opinions

²²²See 1.172.

²²³This stage in the proceedings (see note 119 at 1.166) was the one in which legal issues were most essential.

of the experts, do we really fear that we might not be able to do so, unless we have devoted ourselves to the civil law from our early years?

"Does knowledge of the civil law, then, offer no benefits to the orator at all? I cannot deny the benefit of any knowledge, especially for one whose eloquence ought to be adorned with a rich supply of subjects. But the essential qualifications of the orator are already considerable, numerous, and difficult to come by, so that I would rather not have him divide his energies among too many pursuits. Who would deny that an orator, in his movement and bearing, needs the graceful gestures of Roscius? Yet no one would advise the young men who aspire to be orators to toil over learning gesture in the way that actors do. What is so essential to the orator as his voice? Still, I will recommend no aspiring orator to become a slave to his voice, like the Greek tragic actors. They practice for several years by reciting aloud while seated. Then every day before they are going to speak their lines, they lie down and gradually raise the pitch of their voice, and after the performance, they sit down and let it drop, moving from the highest pitch all the way to the lowest, in a certain sense regaining control of it. If we should choose to do this, those whom we represent in court would be condemned before we had chanted our paean or another hymn²²⁴ the prescribed number of times. And if we shouldn't toil over our gestures, which are of great help to an orator, or our voice, a thing which above all else makes our eloquence attractive and sustains it, and if, in each of these areas, we can only achieve as much as we are able in the time allowed us amid the fray of the tasks we have to fulfill each day—how much less should we fall into a preoccupation with thoroughly learning the civil law? For the civil law can be acquired in broad outline without instruction. It also differs from the subjects I have just mentioned, in that voice and gesture cannot be picked up all at once or drawn from somewhere else, whereas the legal matters that are important for each case can be taken, instantly if you like, either from experts or from books. It is for this reason that the highly accomplished speakers among the Greeks, when handling their cases, have assistants who are experts in the law, whereas they themselves are quite ignorant in this respect. These assistants are the people who, as you mentioned a little while ago, are called legal aids.²²⁵ In this regard our countrymen have done much better in wanting our laws and legal arrangements to be protected by the authority of the most illustrious men. At any rate, it would certainly have occurred to the Greeks, if they had thought this was necessary, to educate the orator himself in the civil law, instead of providing him with a legal aid as an assistant.

"As for your assertion that knowledge of the civil law protects old age from solitude,²²⁶ perhaps a large fortune does the same thing. But we are

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²²⁴The text is uncertain here, but must have had something like "hymn." The paean was a hymn usually addressed to Apollo.

²²⁵I.e., *pragmatici*; see 1.198.

²²⁶See 1.199–200.

not examining what is useful for ourselves, but what is essential for the orator. All the same, to take yet another statement from the same specialist we are constantly using for a comparison with the orator, Roscius always says that, the older he gets, the more he will slow down the tunes of his accompanist and relax his own recitatives.²²⁷ If this man, who is bound by strictly regulated rhythms and meters, nevertheless devises something that will provide rest in his old age, how much easier will it be for us not merely to slacken our cadences, but even to change them altogether? For you are certainly aware of how numerous and varied the types of oratory are, Crassus. I think you must actually have been the first to demonstrate this, since for a long time now you have been speaking in a much more relaxed and gentle manner than you used to; still the gentleness of this ordinary, yet extremely impressive mode meets with no less approval than your former forcefulness and energy. There have also been many orators who did everything only a little more vigorously than in ordinary conversation (as we are told the great Scipio and Laelius did), and never exerted themselves by shouting at the top of their lungs (like Servius Galba). But even if you will be unable or unwilling to take such a course, do you really fear that your house, the house of a man and a citizen of such stature, might be deserted by all others if the litigious cease to pay homage there? Actually, I completely disagree with your point of view about old age. In my opinion, its safeguard should not be made to reside in a crowd of people who come to us seeking legal advice; and what is more, the solitude you fear seems to me a kind of haven, and I look forward to it. As I see it, the most delightful safeguard of old age is leisure.

256–262a *Antonius rounds off*

256 “As for the other things you mentioned, even if they are helpful—I mean history, an understanding of public law, the record of the past²²⁸ with its rich store of precedents,²²⁹—I shall, if ever the need arise, borrow them from my friend Congus, an excellent man who is extremely well-versed in such subjects. I shall not object if our friends are going to do what you have just encouraged them to do²³⁰: read everything, listen to everything, and involve themselves in every legitimate pursuit of human culture. But on my word, I don’t think they have that much time, Crassus, if in fact they want to put

²²⁷ Artistic representations from antiquity as well as textual references confirm the presence of a piper on the Roman stage (playing the *tibia*, i.e., a double-pipe), who provided musical accompaniment for the actors during a performance. (Roman plays, like Greek plays, were entirely in verse.)

²²⁸ The reference to the past (*antiquitas*) is certain, though the exact text is not (we translate *antiquitatis memoriam*).

²²⁹ See especially Crassus’ statements in 1.201; see note 170 there for the meaning of “public law.”

²³⁰ See 1.158.

your actual precepts into practice²³¹; in my opinion, the rules you imposed on these young men are really almost too exacting, though at the same time almost unavoidable if they are to achieve what they desire. After all, exercising extemporaneously on cases set up for that purpose, practicing after careful reflection, and this pen of yours that you rightly called the perfecter and teacher of speaking, all of these involve a great deal of sweat. The comparison of one's own speech with the writings of others and the extemporaneous discussion of what someone else has written for the sake of praising, criticizing, confirming, or refuting, also involve no ordinary exertion of their capacities for memory and imitation. And there was one thing you said that was truly terrifying, and I must say, I'm afraid it may be a forceful deterrent rather than an encouragement: you wanted each of us to be, as it were, a kind of Roscius in his own field, and you said that, in people's critical minds, our good points do not cling nearly as well as our bad points.²³² I think, however, that we are observed less critically than actors are.²³³ Accordingly, I see that, even if we are hoarse, people often listen to us with the utmost attention, for the case itself and the matter at issue hold their interest. Aesopos, on the contrary, if his voice is only a little raspy, is hissed off the stage. For in the case of those from whom nothing is expected but pleasure for the ears, people are annoyed as soon as that pleasure is diminished even a bit. In eloquence, on the other hand, there are many features to hold the attention, and even if these are not all there in perfection, but most of them are still very good, those that are perfect will necessarily strike people as marvellous.

"In conclusion, to return to our starting point, let us take the orator to be someone who, as Crassus described him, is able to speak in a manner that is suited to persuasion.²³⁴ Moreover, let his sphere be restricted to the ordinary practice of public life in communities; let him put aside all other pursuits, however magnificent and splendid they may be, and, so to speak, be hard pressed day and night in performing this one labor. Let him follow the example of the man who no one doubts must be accorded consummate oratorical force, the Athenian Demosthenes, who, we are told, possessed such great eagerness and perseverance that he overcame, in the first place, his natural handicaps by diligence and industry. For although he had a cer-

²³¹By "your actual precepts," Antonius refers not to Crassus' requirements that he has been discussing until now, but to the only real "precepts" that Crassus has formulated, namely those about exercises; see 1.149–158. In the following section, Antonius broadly paraphrases these "precepts."

²³²The phrase "as our bad points" is not in the transmitted Latin text, but this or something similar must clearly be supplied.

²³³For Crassus' statement about the (ideal) orator being "a Roscius in his own field," see 1.130, and 1.116, 129 on the critical attitude of audiences. Antonius here clearly does all he can to contradict Crassus: his opinion differs markedly from what he said in 1.124–125.

²³⁴See 1.138—though this was Crassus' account of the standard view, not of his own!

tain speech defect and could not pronounce the first letter of the very art to which he was devoted,²³⁵ he succeeded by constant practice in making his
 261 pronunciation, according to general opinion, clearer than anyone else's. Secondly, although he was rather short-winded, he achieved such good results by holding back his breath while speaking, that, as his written speeches show, he could include two raisings and lowerings of his voice in a single period. The story is also told of how he was in the habit of declaiming, with pebbles in his mouth, a great number of verses in one breath, at the top of his voice, and that too, not while he was standing still, but pacing back and
 262 forth, or even going up a steep slope. By such encouragements as these, Crassus, the young should indeed be stirred to enthusiasm and hard work, I wholeheartedly agree. As for all the other things you have assembled from a variety of distinct pursuits and arts, it is true you have mastered all of them yourself, but I still think they are unconnected with the proper duty and function of the orator."

262b–265 *End of the first day of discussion*

When Antonius had finished speaking, it was clear that Sulpicius and Cotta were in doubt as to whose argument seemed to come closer to the truth.
 263 Then Crassus remarked, "Antonius, you make our orator into some sort of laborer. I am not so sure you don't really feel otherwise and are simply showing us that amazing penchant you have for refutation, in which no one has ever been better than you. The exercise of this faculty certainly belongs to the orators, but these days it is regularly practiced by the philosophers, particularly by those who always argue with great fullness each side of every
 264 subject put before them.²³⁶ But I thought, especially before my present audience, that I shouldn't merely give a picture of what a man could be like who lives among the court-benches, and who brings with him nothing more than what the necessities of his cases demand. Rather, I had my eye on something greater when I expressed my view that the orator, especially in our State, ought to possess every possible distinction. But you, since you have confined all of the orator's task within quite narrow limits, will the more easily give us answers to the questions that were put to you about the duties and the rules for the orator.²³⁷

"But that, I think, will have to wait till tomorrow; we have already said
 265 enough today. Scaevola, since he has arranged to go off to his villa here in Tusculum, will now want to take a little rest until it cools down; and considering the time of day, we should also think of our health." Everyone agreed that this was a good idea. Then Scaevola said, "I really wish that I

²³⁵He couldn't pronounce the "r," the first letter of *rhetorica*.

²³⁶The latter are the philosophers from the so-called New Academy, such as Charmadas (see 1.84). Through Crassus' remark, Cicero here hints at the importance of his ideal orator having the ability to argue both sides of an issue (cf. Introduction pp. 12, 26).

²³⁷See 1.206–207.

hadn't arranged to join Aelius at my villa today. It would be a great pleasure to hear what Antonius has to say." Then smiling as he rose, he added, "For I was less annoyed with him for pulling our civil law to pieces than I was pleased with him for confessing to know nothing about it."

BOOK 2

1–11 Prologue: the figures of Crassus and Antonius

You may remember, dear Quintus, that when we were boys, it was widely 1
believed that Lucius Crassus' contact with learning had not extended be-
yond the opportunities afforded him by the elementary education normal
for a boy, and that Marcus Antonius was entirely unacquainted with any in-
struction whatsoever. There were also many people who did not believe this
to be the case, but who still willingly proclaimed this opinion about these
orators, hoping that this would make it easier to deter us (fired as we were
with a desire to learn) from our studies. For if men without a theoretical
background had attained a consummate degree of practical insight and an
unbelievable level of eloquence, all of our labor, they imagined, would ap-
pear worthless, and the devotion that our excellent and intelligent father
gave to seeing us educated would seem mere folly. We used to refute such 2
people then, as boys would, by calling on witnesses from our own family—
our father, our relative Gaius Aculeo, and our uncle Lucius Cicero. We heard
about Crassus from our father and from Aculeo, who was married to our
mother's sister and whom, among all his friends, Crassus liked the most;
and our uncle often told us much about the dedication to learning of Anto-
nius, whom he had accompanied throughout his Cilician command.¹ We
were also (together with our cousins, Aculeo's sons) learning what Crassus
approved of, and were, moreover, being instructed by those teachers with
whom he associated. So, when we were at his home, we often realized some-
thing that even we as boys could perceive: he spoke Greek with such flu-
ency that he seemed to know no other language, and in questioning our
teachers, he put such problems before them, and he also handled such top-
ics himself in all of his conversations, that nothing seemed new to him, noth-
ing beyond the range of his knowledge. As to Antonius, we had often heard 3
from our highly cultured uncle how actively he had engaged in discussions
with learned men at both Athens and Rhodes.² Nevertheless, as a young
man I often personally questioned him on many subjects, as far as the mod-
esty of my young age allowed. This will certainly be no surprise to you; for
you used to hear me say even then that it seemed to me, on the basis of

¹For Antonius' Cilician command of 102–100 BC, see 1.82 with note 60. Lucius Cicero traveled with him as a member of his personal staff.
²For Antonius' time in Athens, at the start of his Cilician command, see 1.82–93; he obviously visited Rhodes during the period of this same command, and there met Apollonius of Alabanda (1.126).

many and varied discussions, that at least in those branches of knowledge on which I could form a judgment, there was nothing with which he was inexperienced or unfamiliar. Both men, however, had a particular way of handling these matters. Crassus wanted to be thought of, not so much as someone who had learned nothing, but rather as one who looked down on these things and, in every area, preferred our practical, Roman wisdom to what the Greeks had to offer; while Antonius estimated that his oratory would be more persuasive with our people if he were thought never to have learned anything at all. Thus, each reckoned that he would carry more authority, the one if he was seen to despise the Greeks, the other if he seemed not even to know of them.

Whether their judgment was to the point or not is really irrelevant for my purpose here. What is, however, relevant to the undertaking of writing the present treatise is the fact that anyone who has ever achieved success and pre-eminence in eloquence can only have done so by relying on the whole of wisdom, not just on rhetorical rules. For almost all the other arts hold their own separately, in and of themselves; but speaking well, which means speaking knowledgeably, skillfully, and with distinction, is not confined by the boundaries of any fixed area. Anyone who claims to have this power must be able to speak well about everything that can possibly fall within the scope of human discussion, or else he cannot maintain a claim to the title of eloquence. Now let me admit that, not only in Rome but even in Greece, where these pursuits have always been considered of the utmost importance, there have been many very talented and very distinguished speakers³ who did not possess consummate, all-embracing knowledge. Yet I maintain that such eloquence as was found in Crassus and Antonius could not have been developed without a knowledge of everything that could in any way contribute to the great practical insight and copiousness of speech that they actually possessed.⁴

So it is with even more pleasure that I have undertaken to commit to writing the conversation they once had about this subject. And I have done this, in the first place, to root out that persistent opinion about them, that the one possessed no great learning, the other none at all; next, to preserve in writing what I regard as brilliant statements made by consummate orators about eloquence, if I should somehow succeed in grasping and capturing their meaning. And yes, to tell you the truth, I have done it also to make sure, as far as I could, that the fame of these men, already somewhat in decline, would be rescued from general oblivion and silence. Had it been possible to know them from their own writings, I would perhaps have thought it less necessary to trouble over this last point. Seeing, however, that the one

³Our translation reflects the most probable meaning (the reading of Kumaniecki and LP, *multos et ingeniis* (*excellentes*) *et magna laude dicendi*, is preferable to the text of the manuscripts, but still not completely satisfactory).

⁴The argument is involved. Cicero here formulates his "maximalistic" view of the orator's knowledge (cf. Introduction, p. 19): anything that is useful is actually necessary for attaining supreme eloquence.

had not written much that survives—and what is extant was written as a young man—, whereas the other had left absolutely nothing in writing,⁵ I thought I owed it to the genius of these men, while their memory is still alive among us, to render it immortal, if I could. And I set out to prove my view of them with even greater confidence, because I am not writing on the eloquence of Servius Galba or of Gaius Carbo,⁶ about which I could fabricate something if I wanted, without anyone's memory there to refute me. No, I am offering this work for the consideration of those who often actually listened to the speakers I am talking about. In this way, I hope to commend two great men to those who have seen neither of them, by taking as my witness the memory of those still among us who did know both these orators. 9

Of course, dearest and most excellent brother of mine, I am certainly not going to bother you now and try to educate you with one of those handbooks of rhetoric that you think so clumsy. For what could be more precise or more distinguished than your own way of speaking? As to the fact that you have nevertheless shunned an oratorical career, either from your own conscious choice, as you like to say, or (as Isocrates, the father of eloquence, wrote about himself) out of a certain genuine modesty and diffidence⁷ (or perhaps, as I like to joke, you were of the opinion that one rhetorician was enough not just for a single family, but almost for the entire community)⁸—despite this fact, I do not believe that you will think this is one of those treatises on the theory of speaking that deserve to be ridiculed for the cultural barrenness of their authors. For in this conversation between Crassus and Antonius, nothing, at least in my opinion, has been passed over that anyone could expect people of such great natural ability, eager dedication, excellent education, and rich experience to have known and understood. And you will be a very good judge of this, you who have chosen to acquire a theoretical understanding of the methods of oratory on your own, and experience with it through me. But this is no mean duty that I have undertaken, and to discharge it all the sooner, let me now put an end to my pleading 11

⁵I.e., Crassus and Antonius, respectively. Cicero mentions in another context (*In defense of Cluentius* 140) that Antonius did not publish his speeches so that, if he had ever said something in one of them that later didn't suit him, he could deny ever having said it. His short rhetorical treatise (mentioned in *De oratore* 1.94 and elsewhere) is here ignored; being merely theoretical, it could give no impression of his oratorical abilities.

⁶These two orators belonged to an earlier generation; see Index.

⁷In *Panathenaicus* 10, Isocrates wrote: "I was deficient in the two things that have most power in our city, a strong voice and self-confidence—probably more so than any other citizen of Athens." (Cf. similar statements in *To Philip* 81, and *Letter* 8.7; also *Letter* 1.9). Cicero most probably paraphrases this same statement in *On the Republic* 3.42.

⁸Cicero jokingly presents himself as a *rhetor*, i.e., a teacher of rhetorical theory, a profession despised by both brothers. *De oratore* is, of course, also far from being a standard rhetorical treatise.

and turn to the conversations and discussions of those whom I have just set before you.

12–14 *Two new arrivals*

- 12 Well then, at about eight in the morning on the following day, Crassus was still in bed and Sulpicius was sitting by him, while Antonius was strolling up and down the colonnade with Cotta. Then suddenly Quintus Catulus the elder arrived in the company of his brother, Gaius Julius Caesar Strabo. When he was informed of their arrival, Crassus excitedly arose. All of them were surprised, and imagined that the reason for this visit must be something quite important.⁹ Being on very close terms, they greeted one another with warm affection. “What in the world brings you here?” Crassus asked. “No new developments, I hope?”

- “None at all,” replied Catulus; “for as you know, the games are on.”¹⁰ But—and you will probably think we are being tactless¹¹ or bothersome—, when Caesar, coming from his estate here in Tusculum, visited me last evening at my own villa, he told me that he had run into Scaevola, who was on his way home from here, and he said that he had heard truly extraordinary things from him. You, whom I could never once entice into a discussion, whatever I tried, had had an extensive exchange of views about eloquence with Antonius, discussing this as though you were lecturing, almost the way the Greeks always do. And so my brother prevailed upon me to come here with him (not that my own enthusiasm for listening to such things is particularly deficient,¹² but still, on my word, I really feared that our visit might be intrusive and bothersome to you). For he said that Scaevola told him that a good part of the conversation had been postponed till today. If you think we’ve been too eager, blame Caesar; if we have taken too much of a liberty, blame the both of us. We, for our part, are delighted to be here, unless our visit is perhaps intrusive and bothersome to you.”

15–28a *A discussion about discussions*

- 15 “I, for my part,” Crassus said, “would be glad to see two of my dearest and closest friends at my house, whatever reason had brought you here. But still, I must say, I would rather you had come for any other reason than the one you mention. For, to tell you how I feel about it, I have never been less pleased with myself than I was yesterday. Really, this happened more be-

⁹Presumably, an unannounced visit was unusual, especially at such an early hour. So, at this time of political upheaval (see 1.24–27), such a visit seemed alarming.

¹⁰The Roman Games; see 1.24. During these games, most political activity was called to a halt.

¹¹“Tactless” (inadequately) translates *ineptus*, a key word in this passage. Derived from *in* plus *aptus*, “fitting” (see 2.17), it designates unfitting behavior in general, but especially behavior that is socially unfitting.

¹²Catulus was actually a great enthusiast for things Greek; his understatement here is quite in character.

cause of my good nature than through any other fault of mine, for while I was obliging the young men, I forgot that I am an old man, and I did what I had not even done when I was young: I discussed subjects that depend upon a certain amount of learning. But still, I am lucky in one respect: my part is already over; it is Antonius you have come to hear."

Then Caesar said, "And for my part, Crassus, I am certainly eager to hear such a fuller, continuous discussion from you, but at the same time, if I can't have that, I am also content with the normal kind of conversation we are having with you now. And so I shall, in my turn, see whether I can't prevent my friends Sulpicius and Cotta from seeming to have more influence with you than I, and I do beg you to let Catulus and me also have a share of your kindness. But if you don't like this idea, I will not press you and make the mistake of having you convict me of the fault you are fearing yourself, of being tactless."

"I swear, Caesar," replied Crassus, "I have always thought that of all the words in the Latin language, this one is perhaps the most striking. You see, when we call someone tactless, it seems to me that he bears a name that is derived from his lack of tact, and this notion is pretty widely applicable in our everyday speech. For someone who does not understand what the occasion demands, or talks too much, or shows off, or takes no account of the standing or the interests of those whose company he is in, or, in short, who in some way or other is gauche or obtrusive—such a person is said to be tactless.¹³ This fault is very common everywhere among the Greek people, most learned as they are. Accordingly, because the Greeks do not appreciate the significance of this evil, they have not even attached a name to it. You can search everywhere, but you will not find out how the Greeks designate a tactless person. And of all the forms of tactlessness (and they are countless), I doubt that any is more serious than what those Greeks always do: to discuss with ever so much subtlety, in any place, and among any group of people you like, subjects that are either extremely difficult or totally irrelevant. This is what we were compelled to do by these young men yesterday, against our will and under protest."

"But Crassus," said Catulus, "even the Greeks who were great and famous in their communities, such as you are and we all hope to be in our own State—they were unlike the Greeks we see today, who are always taxing our ears with their chatter. Yet in their leisure time, they did not avoid conversations and discussions of this sort. And if you think that those people are tactless who take no account of occasion, place, or people—and you are right to think so—, can this place really seem anything but ideal? This very colonnade here where we are strolling up and down, and this palaestra, and these seats in so many places, surely these somehow call to mind

¹³The Latin word in question is *ineptus* (see 2.13 above, with note 11). Crassus' analysis of the Greek language in the following section is a playful exaggeration: the Greeks had no exact equivalent for the Latin word, but did, of course, have words to indicate several kinds of socially inadequate behavior, e.g., ἀκαίριος (approximately "im-
portunate, bothersome").

the gymnasia of the Greeks and the discussions that they held there.¹⁴ Or can the occasion seem inopportune, while we are enjoying so much leisure, leisure which is rarely given us and has now been granted at a very welcome moment? Or are we the kind of people who are averse to this type of discussion, we who all are convinced that a life without such pursuits is really no life at all?"

21 "All of your points," said Crassus, "I view in a different light. First of all, Catulus, I believe that the Greeks themselves actually devised the palaestra and the seats and the colonnades for the sake of exercise and pleasure, not for discussion. Gymnasia were invented many centuries before philosophers began to chatter in them, and even today, although the philosophers occupy all the gymnasia, their audiences would still rather hear a discuss than a philosopher. The moment they hear its clink, they abandon the philosopher right in the middle of his discussion of the most important and weighty matters in order to oil up for exercise.¹⁵ Thus, the Greeks prefer the lightest of pleasures to what they themselves allege are the weightiest of benefits.

22 "Next, I agree with what you said about being at leisure, but the right thing to do with leisure is to relax the mind, not to strain it. I have often heard from my father-in-law¹⁶ the story of how his own father-in-law, Laelius, would go to the country, usually in the company of Scipio, and how they would, more than you'd ever believe, become boys again, as soon as they had escaped, so to speak, from the chains of city life to the countryside. I hardly dare say this about such great men, but still, Scaevola likes to tell how they were in the habit of collecting snails and seashells at Caieta and
23 Lavernium, and of indulging in all kinds of distractions and play. For this is the way things are: we see that birds construct and shape their nests for the useful purpose of procreation, but that as soon as they have completed some of their task, they seek relief from their labor by flying here and there freely, released from their work. In the same way, our minds, when tired out from our business in the forum and our work in the city, grow restless and
24 desire to fly about, free from care and labor. So I meant what I said when I addressed Scaevola during my defense of Curius¹⁷: 'If, Scaevola, no will is to be drawn up correctly unless you have drafted it, all of us citizens are going to come to you with our documents, and you are going to draft everyone's will all on your own. But then what?' I asked. 'When will you see to the State's business? When to your friends' business? When to your own? When, for that matter, will you do nothing?' Then I added the statement I am talking about: 'For to my way of thinking, no one is really free who does not do nothing from time to time.' And I hold on to this opinion, Catulus,

¹⁴For palaestra ("wrestling ground," etc.) and for gymnasia, see Glossary.

¹⁵It was generally the practice to rub one's body with oil before engaging in physical exercise.

¹⁶I.e., Scaevola.

¹⁷This famous case was mentioned earlier in 1.180, 238, 242-244.

and what delights me when I come here is precisely this, doing nothing and being completely at rest.

“As for the third argument you added, that you are the kind of people who would consider life unpleasant without such pursuits, this not only fails to encourage me to hold a discussion, but actually deters me from it. For just as Gaius Lucilius,¹⁸ a learned and truly cultured man, used to say that he wanted his writings to be read neither by the most unlearned nor by the most learned, because the former understood nothing, the latter perhaps more than he himself—in this connection he also wrote, ‘I don’t care to have Persius read me’ (this Persius, as we knew him, was just about the most learned of all our countrymen), ‘give me Decumus Laelius’ (who we know is an honest man, and not unlettered, but nothing compared with Persius)—so it is with me. If I have to discuss these pursuits of ours at all, then surely I wouldn’t want to do so in front of country bumpkins, but much less so in front of you. For I’d rather be misunderstood than criticized.” 25

Then Caesar remarked, “It seems to me, Catulus, that my coming here has already been worth the effort. For this protest against a discussion has, to me at least, itself been a rather pleasant discussion. But why are we delaying Antonius? It is his part, I understand, to treat eloquence in its entirety, and both Cotta and Sulpicius have been looking forward to hearing him for a long time already.” 26

“Wait a minute,” said Crassus. “I will not allow Antonius to utter a word and will remain silent myself unless I first get you to promise . . .” “Name it,” interrupted Catulus. “. . . that you two spend the day here.” Then, as Catulus was hesitating, because he had accepted an invitation to his brother’s, Caesar said: “I will answer for both of us: that is what we will do. This condition for hearing you would itself be enough to keep me here—even if you were not to utter a word.” Then Catulus smiled, saying, “Well, my hesitation has been cut short, seeing that I have left no dinner instructions at home, and that my brother here, whose guest I was going to be, has so readily accepted the invitation without asking my opinion.” 27 28

28b–33a Antonius’ introduction: oratory an “art”?

Then all eyes were turned toward Antonius, who exclaimed, “Lend me your ears, I say, lend me your ears! For you will be listening to a schoolman, taught by a teacher, someone learned in Greek letters! And I shall speak all the more confidently, seeing that Catulus has also come to listen; for he speaks with precision and refinement, not only in Latin (to which our people can attest), but also in Greek (as even the Greeks themselves concede). But, still, since this entire art, or practical activity, of speaking (whichever it is) cannot exist unless it is a bit mouthy, I shall teach you, students, what I have not learned myself, namely what I think about every facet of speaking.” 29

At this everybody laughed, and then he continued, “It seems to me that 30

¹⁸For these quotations (or rather, paraphrases), cf. lines 632–635 ROL (= 592–596 Marx).

oratory, when considered as an ability, is a splendid thing, but that it is no more than average when viewed as an art. After all, an art deals with such things as are known, while the whole activity of the orator is based not on knowledge but on opinions. We speak before audiences that are ignorant, and we also say things about which we are ignorant ourselves. Accordingly, on the same issue they have now one view and judgment, then another, while we ourselves often plead opposite cases. I mean the latter not only in the sense that Crassus sometimes argues against me or I against him—and in that case, either of us must necessarily be saying something that is not true—but also in the sense that, on the same issue, each of us supports now one opinion, then another—whereas not more than one can be true.¹⁹ Knowing, then, that this is a subject that relies on falsehood, that seldom reaches the level of real knowledge, that is out to take advantage of people's opinions and often their delusions, I shall speak about it—if you think you have a reason for listening."

31 "Certainly we do," replied Catulus, "and all the more so because it seems you are not going to make a show of it. For you did not begin by boasting, but took the truth of the matter as you see it for a starting point, rather than some high view of the subject."

32 "Well then," said Antonius, "while I have admitted that oratory as such cannot be regarded as an art in the full sense of the word, I do maintain that some pretty clever precepts can be given for manipulating human feelings and for capturing people's goodwill. If anyone wants to claim that the knowledge of such things is an important sort of art, I won't quarrel with him. And indeed, most people plead their cases in the forum haphazardly and without any method, while some do so more skillfully thanks to training or a certain amount of experience. So there can be no doubt that, should someone observe the reason why some people speak better than others, he could give a description of it.²⁰ If, therefore, someone does this over the entire field of oratory, he will discover, if not really an art, then at least something like an art. And indeed I seem to understand these things in the forum, when I see actual cases. How I wish I could likewise explain to you now how they are discovered!"

33b–38 *Antonius extols eloquence*

"But I will see what I can do later on. Right now, let me advance an opinion which I firmly believe: although we may not be dealing with an art, yet there is nothing more magnificent than the perfect orator. For, to pass over

¹⁹A case of the first kind (Antonius and Crassus pleading on opposite sides) was mentioned in 1.178 by Crassus. A striking case of the second kind (one orator taking different points of view at different times) is illustrated by Cicero's own defense of Cluentius, in which he had to argue for the guilt of a man he had previously defended (as Quintilian also points out, 11.1.74).

²⁰A reminiscence of the first chapter of Aristotle's *Rhetoric* 1.1.2 (1354a6–11); cf. Wisse 1989: 113–114.

the practical utility of oratory, which reigns supreme in every peaceful and free community, the faculty of speaking by itself provides such delight that there is nothing that can give a more pleasant impression either to the human ear or to the human mind. What song can be found that is sweeter than a well-measured speech?²¹ What poem can be better arranged than a skillfully constructed prose period? What actor in his imitation of real life can be more delightful than an orator actually undertaking a real case? Can anything be more subtle than a string of pointed thoughts? Can anything be more admirable than a subject illuminated by the splendor of words? Can anything be richer than a speech that is furnished with every kind of subject matter? For there is no subject, at least among those that must be treated impressively and with distinction, that does not belong to the orator. It is his task to unfold his opinion with dignity when giving advice on affairs of supreme importance. His task too is to rouse the people when languishing and to restrain them when impetuous. By this same faculty of speech deceit is called to destruction and integrity to deliverance. Who can exhort people to virtue more passionately than the orator, and who can call them back from vice more vigorously? Who can blame the wicked more harshly, and who can praise the good with more distinction? Who can quell passions more vehemently by censure? Who can soothe grief more gently by consolation? As to history, the witness of the ages, the illuminator of reality, the life force of memory, the teacher of our lives, and the messenger of times gone by, what other voice but the orator's invests it with immortality?

"For if there is any other art that professes knowledge of either creating or choosing words; or if anyone but the orator is said to shape discourse and give it variety and distinction with, as it were, special features of thought and speech; or if any method is taught except by this art alone for finding arguments or thoughts or finally for the distribution and ordering of material—then let us admit that what is professed by this art of ours belongs to, or is shared in common with, some other art. But if the teaching of such methods is characteristic only of this art, then it is the property of this art alone; and this is no less true because some representatives of other arts have expressed themselves well. Rather, just as the orator can speak excellently on the topics that belong to other arts, if only he has acquainted himself with them (as Crassus was saying yesterday),²² in the same way representatives of the other arts speak about their own subjects with more distinction if they have learned something from this art of ours. If some farmer has shown skill in speaking or writing about farming, or even a doctor about diseases (as many have done), or some painter about painting, it does not follow that one must regard eloquence as belonging to the art in question.²³ There are many people from all sorts of pursuits and arts who achieve some oratori-

²¹"Well-measured" (*moderata*) refers to the prose rhythm of a speech.

²²See 1.65–69.

²³The argument here echoes Crassus' argument in 1.61–62. Asclepiades of Bithynia, mentioned there by Crassus, is obviously among the "many" doctors referred to by Antonius.

cal proficiency even without being taught, because human ability is quite powerful. But although the question of what belongs to each art can already be decided, as I said,²⁴ by observing what each of them teaches, there is no more certain sign of the position of eloquence than this: while all the other arts can properly perform their functions without eloquence, the orator cannot maintain his title without it. That is, all the others, if they are skilled speakers, owe something to the orator, while he, unless he has equipped himself with provisions that are his own, cannot obtain his supplies as a speaker from any other source."

39–40 *Reactions of Catulus and Crassus*

- 39 At that point, Catulus said: "Antonius, I know that your speech really shouldn't be obstructed in its course by an interruption, but I hope you'll forgive me and that you will bear with me. 'You see, I can't help crying out,' as that character in the *Trinummus* says,²⁵ seeing with how much precision you seemed to formulate the essence of the notion 'orator,' and with what fullness you praised him at the same time. Of course, praising eloquence is something that an eloquent man should really do very well; for in praising it, he must apply the very object of his praise. But please, go on, for I agree with you that speaking skillfully is entirely the province of you orators, and that if anyone in another art should succeed in doing this, he makes use of an additional piece of property acquired elsewhere, not one that is in any
- 40 way his own." And Crassus added, "The night, I'm glad to say, has given you some polish, Antonius, and has turned you into a human being. For during yesterday's conversation, you described the orator to us as laboring at just one special task, in Caecilius' words, as 'some oarsman or porter,'²⁶ as someone entirely lacking in humane culture and refinement." "Yes, I did," replied Antonius, "for yesterday it was my intention to refute you and thus entice these pupils away from you. Now with Catulus and Caesar listening, it seems to be my duty to express my own opinions, rather than to fight with you.

41–50 *The orator's subject matter: the centrality of judicial and deliberative oratory*

- 41 "Well then, since this man we are discussing must be established in the forum and exposed to the view of the citizens, our next step is to consider what business we are going to assign him and with what task we want him

²⁴Antonius here first reasserts his statement of 2.36–37 above: the fact that only eloquence is properly concerned with speaking well (or its teaching) is enough to show that the orator's position is unique. He then proceeds to add what he considers a clinching argument.

²⁵In Plautus' *Trinummus* 705, the slave Stasimus interrupts Lysiteles with these words.

²⁶Line 270 ROL (where the editor Warmington, however, changes the transmitted word order and extends the quotation, wrongly we think). For Antonius' description of the orator as a "laborer," see 1.260 and 263.

to be charged. Now yesterday, when you, Catulus and Caesar, were not here, Crassus briefly gave the same classification of the art that most of the Greeks have given, not presenting his own views, to be sure, but just what they say about it.²⁷ There are, he said, two main categories of issues with which eloquence deals, the one indefinite, the other specific. It seems to me that, by an indefinite issue, he meant one in which something is examined in general terms, for example, 'Is eloquence to be pursued?' or 'Are high honors to be pursued?' And by a specific issue, he meant one in which something is examined with reference to particular persons and a fixed, definite matter; to questions of this kind belong those that are dealt with in the forum, as well as those between citizens in judicial cases and in other disputes. And such questions, it seems to me, find their application either when we conduct a court case or when we are giving advice. As for the third kind, which Crassus touched upon and which was added, as I hear, by Aristotle himself, who threw much light on our subject—even though we need it, it still is less essential than the other two."²⁸

"What do you mean?" asked Catulus. "Are you talking about laudatory speeches? For that is what I see is posited as the third genre." "Exactly," replied Antonius, "and I know that it was a speech precisely in this genre that immensely delighted me as well as all others present, when you eulogized Popilia, your mother."²⁹ She was the first woman in our community, I believe, to have been accorded such an honor. But I don't think that everything, whatever it is that we talk about, has to be brought under the heading of art and precepts. For from those sources from which are drawn all precepts for speaking with distinction, we will also be able to give distinction to a laudatory speech without requiring the elementary rules that are always given. Even if there is no one to teach them, surely everybody knows what qualities are praiseworthy in a human being. After all, one can take as a starting point the topics that Crassus mentioned in the opening part of the speech that he delivered during his censorship against his colleague³⁰: 'As to the gifts of nature and fortune, I can patiently endure being surpassed in those. But I cannot endure being surpassed in whatever a man can acquire

²⁷Antonius refers to Crassus' exposition of the standard rules in 1.137–145; for the actual classification, see 1.138 and 141.

²⁸Antonius' vagueness about "the third kind" is resolved in what follows (though many ancient readers will have been in no doubt about what he meant); Crassus mentioned it in 1.141; the first two kinds correspond to the judicial and the deliberative branches of oratory, also mentioned there by Crassus. Aristotle indeed presented arguments for the division into three kinds (*Rhetoric* 1.3 [1358a36–1359a29] and 2.18.1 [1391b8–23]), and he was generally believed to have been the first to do so (e.g., *On Invention* 1.7; cf. Solmsen 1941: 42–43, 180).

²⁹Catulus had pronounced a funeral oration over his mother (who was also the mother of his half-brother Caesar); the date is unknown (the usual date, 102 BC, is not supported by any evidence).

³⁰In 92 BC, Crassus had been censor together with Gnaeus Domitius Ahenobarbus. They quarrelled and abdicated office in the same year, without completing their task.

for himself.³¹ On that basis, anyone who intends to praise someone will realize that he must set out the advantages of fortune. These are descent, money, relatives, friends, power, health, beauty, strength, intelligence, and everything else that is either a matter of the body or external.³² If the person he is praising possesses these things, the speaker must say that he has used them well; if he does not, that he has shown wisdom in the way he has done without them; if he lost them, that he bore their loss with moderation. Secondly he must relate what this person has undertaken or endured in a wise manner, or generously, or courageously, or justly, or magnificently, or dutifully, or gratefully, or humanely, in short, in any way that showed some virtue or other. These strategies and others of this sort will easily be understood by someone wishing to praise, as will their opposites by someone wanting to blame."

47 "Why, then," asked Catulus, "do you hesitate to make this a third genre, seeing that it is firmly rooted in the nature of things? Surely we shouldn't exclude it from the list merely because it is relatively easy." "I do so," said Antonius, "because I don't want to give everything that can ever fall to the task of the orator, however insignificant it may be, a treatment suggesting
48 that we can only speak about something if it has its own precepts. For example, it is often necessary to give testimony, sometimes even quite carefully, as I also had to do against the violent and seditious citizen Sextus Titius. When giving this testimony, I described all the policies that I had employed in my consulship to oppose, on behalf of the State, his conduct as tribune of the plebs, and I explained what actions of his I considered to have been detrimental to the State. I was detained for a long time, I had to listen to many things, and I answered many questions. But surely we shouldn't conclude that, when you are giving precepts about eloquence, you should also include directions about giving testimony, as though these formed part of the art." "There is certainly no need for that," said Catulus.

49 "Or what if, as often happens to men of the highest rank, messages from a general must be set out in the Senate, or conveyed from the Senate to a general, or to a king or some nation? In such instances, one must employ a fairly careful way of speaking. But this is surely no reason for thinking that these must also be put on the list of cases and be fitted out with its own set of precepts." "By no means," replied Catulus, "for a skilled speaker will certainly have the ability of dealing with subjects of this sort, acquired from his experience with other subjects and cases."

50 "The same goes, then," said Antonius, "for the other matters that must often be handled with oratorical skill, and which actually belong to the orator, as I claimed when I was praising eloquence a little while ago.³³ They do not have a place anywhere when we divide our subject into parts, nor

³¹This division, as well as its development in the next section, correspond to the usual rules given for laudatory speeches; see, e.g., *Rhetoric for Herennius* 3.10 (with Caplan's note).

³²Cicero seems to commit a slight error here, forgetting that intelligence (*ingenium*) is not an attribute of the body, but of the mind.

³³See 2.35.

their own specific type of precept, and yet they must be handled with no less oratorical skill than the matters brought forward in a court case—I'm talking about rebuke, exhortation, and consolation. Each and every one of these requires a highly distinguished treatment by the speaker, yet they do not need any precepts coming from theory." "I absolutely agree," said Catulus.

51–64a *The orator's subject matter, continued:*
historiography

"Tell me, moreover," continued Antonius, "what sort of orator do you think one should be, and how accomplished in speaking, in order to write history?" "To write as the Greeks have written, you must be an orator of consummate skill," replied Catulus. "To write as our countrymen have, requires no orator at all—it is enough not to be a liar." 51

"But I don't want you to look down on our writers," Antonius rejoined, "so let me remind you that in the beginning the Greeks themselves also wrote like our Cato, Pictor, and Piso.³⁴ History was nothing more than the compilation of yearly chronicles [*Annales*], and for the purpose of this matter and the preservation of the memory of public events, the chief priest, from the beginnings of Roman history down to the time when Publius Mucius Scaevola was chief priest,³⁵ committed to writing all the events of each year, and displayed them on a white tablet and exhibited the tablet at his house, in order that the people might have the opportunity to learn about them.³⁶ These are the records that even today are called the *Annales Maximi*.³⁷ A similar type of writing was adopted by many, and they have left only memorials of dates, people, places, and events, devoid of any distinction. In this way, just as the Greeks had their Pherecydes, Hellanicus, Acusilas,³⁸ and numerous others, so we have their equivalents in our own Cato, Pictor, and Piso, who have no idea by what means speech is given distinction—such things, after all, have only recently been introduced here—, and who suppose that, provided what they say is understood, the sole virtue of speaking is brevity. Crassus' friend Coelius Antipater, an admirable man, lifted his head a bit higher and applied a richer tone of voice to history, while the rest did not deck out, but merely set out their subject matter." "You are right," said Catulus; "but even this Coelius himself did not set off his history with topographical variety, nor did he give polish to his work by the way he arranged his words or by a smooth and steady 52 53 54

³⁴All from the second century BC. For details, see Index.

³⁵This is the Publius Scaevola who is mentioned, e.g., at 1.166; he was consul in 133 BC, and *pontifex maximus* (chief priest) from 130.

³⁶This sentence is somewhat unwieldy in the Latin as in the English, and may be meant as an imitation of the archaic, unpolished style found in the *Annales*.

³⁷They derive their name, Antonius implies, from the fact that they were compiled by the *pontifex maximus* (the chief priest).

³⁸Three of the so-called logographers, all from the 5th century BC. See Index for details.

movement of his language. Rather, being neither learned nor especially suited for speaking, he hewed his work into shape as best he could. Still, as you say, he outdid his predecessors."

- 55 "Small wonder," said Antonius, "if this subject has not yet been treated with any brilliance in our language. None of our countrymen devotes himself to eloquence except to play a conspicuous role in pleading cases and in the forum in general. Among the Greeks, on the other hand, the most eloquent people, being far removed from such public activities, applied their energies not only to every other splendid subject, but especially to the writing of history. We have been told³⁹ that Herodotus, the man who first gave distinction to this genre, did not concern himself with court cases at all. Yet he is so enormously eloquent that I at least, as far as I am able to comprehend things written in Greek, take tremendous pleasure in reading him.
- 56 Thucydides, who came after him, in my opinion easily surpassed everyone in his skillful use of language. His tightly packed content makes him so dense that the number of his ideas almost equals the number of his words. Moreover, he is so accomplished and compact with his words that it is hard to tell whether the content is illuminated by the language, or the words by the ideas. Yet we have been told that not even he, although he was active in the state, was among those who regularly pleaded cases, and he is reported to have written these very books at the time he was far removed from the state, and in fact had been driven into exile⁴⁰—a fate that used to befall precisely
- 57 the most excellent citizens in Athens.⁴¹ After him came Philistus of Syracuse. Though a very close friend of the tyrant Dionysius, he spent his leisure time writing history, and to a large extent, as it seems to me, he took Thucydides as his model. Afterward, moreover, Theopompus and Ephorus, two preeminently talented men, products, so to speak, of the most celebrated of rhetoricians' workshops, concentrated their efforts on history, urged on by
- 58 their teacher Isocrates; they never so much as touched real cases. Finally, there were even people coming from a philosophical background who wrote history: first Xenophon, the follower of Socrates, and then Aristotle's pupil Callisthenes, who accompanied Alexander. Callisthenes wrote almost like a rhetorician, while Xenophon used a somewhat gentler tone and, lacking the vigor of an orator, is perhaps less powerful, but nevertheless, at least so it seems to me, a little more agreeable. Timaeus was the youngest of all of these, but, as far as I can judge, he was easily the most learned, the richest in terms of wealth of material and variety of ideas, and not without polish

³⁹In what follows, Antonius gives a brief, roughly chronological survey of the greatest Greek historians, ranging from Herodotus, the "father of history" (as Cicero calls him at *On the Laws* 1.5), Thucydides and Philistus from the 5th century BC, through a number of (then) famous authors from the 4th century, to Timaeus, who lived approximately 350–260 BC. For some further details about these writers, see the Index.

⁴⁰Thucydides was *strategos* (general) in 424 BC. He was exiled for failing to prevent the capture of Amphipolis by the Spartans.

⁴¹Other prominent Athenian politicians who were sent into exile were Miltiades, Cimon, Aristides, and Themistocles.

in the actual arrangement of his words. He brought great eloquence to his writing, but no practical experience in speaking on public and judicial matters."

At these words of Antonius, Caesar exclaimed, "How about this, Catulus? Where are the people who say that Antonius doesn't know Greek? He mentioned such a great number of historians! And he spoke with so much knowledge and discriminating appreciation about each and every one of them!" "On my word," replied Catulus, "I am indeed surprised about this, but at the same time I am no longer surprised about something that surprised me much more in the past: namely that this fellow, without knowing these things, is such a powerful speaker."⁴² 59

"No, Catulus," said Antonius, "it is not because I am after some practical advantage for my speaking that I read their books, and some others too. I do so for pleasure, when I have leisure time. Is there nothing more to it? Well, I admit that there is. It is just as when I take a walk in the sunshine: even if I do so for another reason, it is only natural that I get tanned. In the same way, when I have devoted a fair amount of attention to reading such books at my villa in Misenum (for there is hardly any opportunity to do so in Rome), I am aware that my speech, through its exposure to them, takes on a different color, so to speak. But I don't want you to think that this has any wider implications: of the things I find in Greek writers, I merely understand what the authors themselves intended to be generally understood. Whenever I happen to come across your philosophers,⁴³ misled by the labels⁴⁴ of their books (because they almost always bear titles derived from familiar and important subjects, for example, on virtue, on justice, on the honorable, on pleasure), then I don't understand a single word—so entangled are they by their narrow and minutely detailed discussions. The poets I do not even attempt to touch: it is as if they speak a different language altogether. As I said, I amuse myself in the company of those who have written about events or recorded their own speeches, or who talk in a way that suggests a willingness to be friends with those of us who are not exceptionally learned. 60

"But I return to my point. Do you see how great a task history is for the orator? It may in fact be the greatest task in terms of fluency of diction and variety. And still I don't find that the rhetoricians have anywhere furnished it with rules of its own—for its rules are obvious. Everybody knows that the first law of history is not daring to say anything false; that the second is daring to say everything that is true; that there should be no suggestion of par- 62

⁴²Catulus here echoes Cicero's contention in the prologue (2.6), that eloquence as great as that of Crassus and Antonius requires knowledge.

⁴³Antonius says "*your* [plural] philosophers," especially because of Catulus, who was well at home in Greek philosophy, and Crassus, who had defended the need for it in Book 1.

⁴⁴The Latin is *index*, which can mean "title" but is properly used for the label that was attached to the edge of a papyrus roll and gave the title or the subject of the work.

- 63 tiality, none of animosity when you write. These foundations are, of course, familiar to everyone. The actual superstructure is a matter of content and words. The treatment of the content demands chronological arrangement and topographical description. Also (since readers, in the case of great and memorable events, first expect plans, then actions, and after that, the outcome), it requires the author to indicate what he thinks was good about the plans, to show, in his treatment of the events, not only what was done or said, but also how, and, in speaking about the outcome, to give an account of all its causes, whether they were a matter of chance or sound judgment or recklessness. And he must describe not merely the deeds of the participants, but for all those of outstanding glory and fame, also their lives and characters.⁴⁵
- 64 The treatment of the words and the type of language should be broad and expansive, flowing steadily with a certain smoothness, without the sharpness of a court speech and the stinging sentiments used in the forum. Don't you see that there are no rules to be found in the handbooks of the rhetoricians to cover these numerous and important topics?

64b–73 *The orator's subject matter, continued: general, philosophical questions (theses)*

- "Many other duties of the orator have likewise been passed over in silence: exhortation, consolation, moral instruction, and admonition, all of which must be treated with utmost oratorical skill, but none of which has a place
- 65 of its own in the systems that have been passed on. In this category belongs the whole forest of indefinite material—for most rhetoricians, as Crassus has also indicated,⁴⁶ have assigned to the orator two types of questions to speak upon. The one deals with specific and definite cases, such as those handled in lawsuits and deliberative situations—if anyone wishes, he can also add laudatory speeches. The other type, which nearly all writers name, but none explains, is the indefinite, general kind of question that does not refer to a specific occasion or person.⁴⁷ Now it seems to me that, when they mention
- 66 the latter type, they don't understand its nature and its range. For if it is indeed the mark of an orator to be able to speak on whatever indefinite topic is placed before him, he will be obliged to discuss the size of the sun and the shape of the earth; and he cannot refuse to speak about mathematics and musical theory, if he takes this burden upon himself. In short, for someone

⁴⁵In this discussion of content, Antonius alludes to the rhetorical concept of the "circumstances" (*circumstantiae*, περιστάσεις). These were usually seven in number: time, place, events, manner, causes, persons, and instruments; thus, the application is not precise (moreover, the role of the concept is not quite clear: LP: 252). Nevertheless, Antonius' purpose is clearly the same as in 2.47–50 above: to show that the orator's competence in judicial and deliberative cases can be "transferred" to all other genres of speaking and writing.

⁴⁶See 1.138.

⁴⁷For the inclusion of these general questions (the *theses*) in the rhetorical systems of the second and first centuries BC, see Introduction, pp. 25, 27–28.

who claims that his province is to speak not only on disputes delimited by specific occasions and persons (that is, on all matters that belong to the forum), but also on indefinite questions of a general nature, no type of discourse can possibly be excluded.

"But if we want to assign to the orator, besides his normal tasks, that other wide-ranging, unrestricted, and extensive group of questions, that is, if we think it his duty to speak about good and evil, the things to be pursued and avoided,⁴⁸ honorable or base, expedient or inexpedient, about virtue, justice, self-control, prudence, greatness of spirit, generosity, dutifulness, friendship, moral duty, loyalty, and all the other virtues and their corresponding vices, about the State, the exercise of power, military affairs, the political system, and human behavior—let us then take this group of questions upon ourselves also, provided that it be confined within moderate limits.⁴⁹ And I indeed believe that the orator should master everything that is relevant to the practices of citizens and the ways humans behave: all that is connected with normal life, the functioning of the State, our social order, as well as the way people usually think, human nature and character. Even if he will not answer questions on these subjects in the abstract, as philosophers do, he must certainly be able to weave them into his cases in an intelligent way, and, when talking about these subjects themselves, to do so as those who first established legal principles, laws, and communities talked about them—simply and lucidly, without any chain of arguments and without barren verbal disputes.

"Now, let no one at this point be surprised if I don't give any rules about subjects so numerous and important; for my point of view is as follows. It is just as in each of the other arts: when the most difficult elements have been taught, the remaining ones do not require teaching, being either easier or like the others. For example, in painting, someone who has really learned how to paint the human figure can, even without further teaching, paint humans of any shape or age; and you don't have to worry that someone who is excellent at painting lions or bulls will not be able to paint the many other four-footed creatures just as well. Actually, no art whatsoever requires a teacher to teach everything that it can accomplish; rather, people who start from the fundamental, established elements, and thus learn the general principles, will master the rest on their own. I think the situation is similar with this speaking skill that we are discussing (whether it be a matter of theory or of practice). Anyone who has acquired the power to move at his pleasure the hearts of the members of his audience who have any authority in deciding the matter at hand, whether they are hearing him speak about the State, or about his own interests, or about those whom he charges or defends in court—such a man will no more be at a loss for what to say anywhere over the entire range of remaining oratorical forms than Polyclitus,

⁴⁸For these terms, cf. 1.221 and note 190.

⁴⁹In 2.66, Antonius has rejected the inclusion among the orator's tasks of general questions as such. Here in 67, he agrees that some general questions may, nevertheless, be included, namely those about ethical and political issues.

when he was molding his Hercules, was at a loss about how to mold the lion's skin or the hydra, even though he had never received separate instruction on how to fashion these pieces."

71 "Antonius," said Catulus, "I think that you seem to have set very clearly before us what someone who would be an orator should learn, and what he can derive from what he has learned without further instruction. For you have located the whole activity of such a man in no more than two types of cases, leaving the countless other subjects to practice and analogy. But I'm afraid that your two types actually correspond to the hydra and the lion's skin, while Hercules and the other more important tasks are left among the things that you are passing over. In my opinion, it requires no less effort to speak about general categories in their entirety than about the cases of particular individuals, and even far more effort to speak about the nature of the gods than about the legal disputes of human beings."

72 "That is not true," replied Antonius, "and I will explain this to you, Catulus, relying not so much on learning, but rather on what is the more important thing, experience. Believe me, for a man who is not dull-witted, not unpracticed, not entirely devoid of general education and cultural refinement, discoursing on any other subject is child's play. Conflicts in the law courts, however, are a huge challenge—of all human challenges, they may actually be the greatest by far. In these conflicts, the judgment of an orator's power is largely in the hands of the inexperienced, and they make their judgment merely on the basis of who wins the case. There, you confront an armed adversary who must be struck and repelled. There, the one who is to be in control of the decision is often unsympathetic and angry, or even well disposed to your adversary and hostile to you. Yet he must be taught or untaught, or be reined in or spurred on, or, by every available means, be guided by your speech in a way that suits the circumstances of the case, and in the process, goodwill must often be transformed into hatred, or hatred into goodwill. He must, as it were, be twisted by some sort of mechanical device,⁵⁰ now to severity, now to gentleness of heart, then to sadness, and again to joy. Every thought must have weight, every word must be impressive; to this must be joined a delivery that is varied, vehement, full of ardor and energy, full of real emotion. If anyone, when dealing with these tasks, has mastered this art and is able, just like Phidias, to produce something like the statue of Minerva, then he will certainly be no more anxious about how he must learn to do those less difficult things than this same sculptor was about crafting Minerva's shield.

⁵⁰The image seems to be rather unspecific, but in using the word "twist," Cicero may allude to the image of the crooked rule used by Aristotle in the first chapter of his *Rhetoric*: "... it is wrong to twist the jury by leading them into anger or envy or pity: that is the same as if someone made a straightened rule crooked before using it" (*Rhetoric* 1.1.5 [1354a25–26], translated after Kennedy).

74-76 *Interlude: Catulus on Greek theory*

Then Catulus said, "These accomplishments, in your hands, have become greater and more marvellous, and I am all the more eagerly expecting to learn by what methods and by what precepts such an enormous force may be achieved. Not that it makes any difference to me anymore: at my age I have no use for them. Moreover, I aimed at quite a different kind of oratory: I never twisted verdicts from the hands of the jurors by any sort of oratorical force; rather, I received what they were ready to offer because I placated their feelings. Yet I still like to hear your views, not for any use of my own, but simply because I am very curious to know them. And I don't need some Greek teacher who will reel off for me the common precepts, without ever having set eyes on the forum, and without ever having seen a single trial—as in the story of Hannibal and Phormio the Peripatetic. Hannibal, banished from Carthage, had come in exile to King Antiochus in Ephesus⁵¹ and, in keeping with the great glory that his name enjoyed among all, had been invited by his hosts to hear a lecture by Phormio, if he wished.⁵² When Hannibal indicated that he was not averse to the suggestion, the eloquent fellow is said to have talked for several hours on the duties of a general and on every aspect of military affairs. The rest of the audience, having thoroughly enjoyed themselves, then asked Hannibal what he thought of this philosopher. The Carthaginian is reported to have replied, not in the best of Greek, but nevertheless frankly, that he had often seen many raving old men, but none who raved more madly than Phormio. And I daresay he was right. For could there be a worse case of loquacious arrogance than for a Greek, who had never laid eyes on an enemy, who had never seen a camp, and who had never even played the slightest role in any public function, to give precepts on military affairs to Hannibal, who for so many years had vied for supreme power with the Roman people, the conquerors of all nations? This is precisely what I think all these people are doing who set down rules for the art of speaking, for what they teach to others is something with which they have no experience themselves. But perhaps, Antonius, their mistake is less serious, in that they do not try to teach you, as Phormio tried to teach Hannibal, but only boys or young men."

77-84 *Antonius on art: the standard rhetorical rules*

"You are mistaken, Catulus," Antonius replied, "for I myself have already run into many a Phormio. In fact, is there anyone of those Greeks who would credit any of us with understanding anything at all? Personally, I must say, I don't find them that bothersome. It is quite easy for me to put up with them all, since they either produce something that I find inoffensive, or they reduce my regret at not having learned their teachings. I dismiss them less

⁵¹This dates the story to the period between 195 and 190 BC.
⁵²Catulus is probably being ironical here in suggesting that an insignificant lecture by Phormio could be put on a par with the great military glory of Hannibal.

rudely than Hannibal did that philosopher, and it is perhaps on this account that they give me more trouble.

"Still, as far as I can judge, what they actually teach is utterly ridiculous.

- 78 They divide the entire subject into two parts, namely into disputes about cases and those about questions. By cases they understand issues that are situated in disputes and controversies between litigants, while questions are issues situated in uncertainties about general, indefinite matters.⁵³ They give rules for the cases, but there is a surprising silence about the other part of a
- 79 speaker's activities. Next they construct, as it were, five branches of eloquence⁵⁴: discovering what you should say, arranging what you have discovered, next expressing it in distinguished words, then committing it to memory, and finally uttering or delivering it—by no means a mysterious affair. For who couldn't see for himself that no one would be able to make a speech unless he knew what he should say, with what words, and in what order, and had remembered these things as well? Now I'm not saying that I disapprove of these rules, but I do say that they are obvious, exactly like
- 80 those four, five, or six parts, or even seven (since different people offer different schemes) into which they divide every speech.⁵⁵ They tell us to use an introduction that will make our hearers well disposed to us, receptive, and attentive; next, to set out the matter at hand in a narration, and to do so in such a way that this narration is plausible, clear, and brief; after this, to divide our case into parts, or at least to formulate our proposition⁵⁶, to prove our statements with arguments and justifications, and then to refute those of our opponents; at this point, some place the conclusion of the speech, its ending so to speak, while others tell us that before bringing our speech to an end, we should digress in order to impart distinction to our case or to
- 81 amplify it, and then conclude and bring the speech to its end. I do not disapprove of even these rules; this is quite a neat classification. Yet, as was only to be expected with people who are out of touch with practical reality, it does show a lack of experience. After all, the rules they have chosen to assign to prologues and narrations are principles that ought to be observed
- 82 throughout a speech. Personally, for example, I can make a juror well disposed to me more easily when I am in the course of my speech than when all of it is still to come; I can make him receptive, not when I promise that I am going to provide proofs, but when I am actually giving my arguments and explanations; and surely we can secure the jurors' attention by frequently

⁵³See already, e.g., 2.65–66 above, where Antonius discussed the implications of this division into *hypotheses* and *theses*. Here he proceeds to outline the system in more detail and to criticize its technical aspects (cf. Crassus in 1.137–146).

⁵⁴For this traditional division into five "activities," see Introduction, p. 29(ff.).

⁵⁵For the traditional parts of the speech and the rules given for them (paraphrased by Antonius in what follows), see Introduction, pp. 28–29.

⁵⁶Our "at least" reflects the fact that in the rhetorical manuals, the "division" (*divisio* or *partitio*) very often included the statement of the issue at hand (*propositio*); see, e.g., *On Invention* 1.31; *Rhetoric for Herennius* 1.4, 17; more material, e.g., in Martin 1974: 91–95 (and further references in LP).

arousing their interest throughout our entire presentation, not by an announcement at the beginning. And again, when they tell us that the narration should be plausible, clear, and brief, this is good advice; but their notion that these qualities are more appropriate to the narration than to the whole of the speech is, I think, an enormous mistake. 83

"In general, their fundamental error is this: they suppose that this is some sort of art, not unlike the others, the kind that Crassus yesterday was saying can actually be devised for the civil law.⁵⁷ What one does in such cases is, first, to set out the general classes, and here, it is a fault for any class to be omitted; next the species of the individual classes,⁵⁸ and here it is incorrect if some species is lacking or superfluous; then the definitions of all the terms, in which nothing should be either absent or redundant. But, even if people of some learning can construct such an art for the civil law, and also for subjects of minor or average importance, I do not think the same can be done for a subject as vast and as huge as this. If there are those who think it can be done, they should be directed to the people who teach those rules. There they will acquire material that is already entirely set out and polished, for countless books are available on these topics, which are neither obscure nor difficult to understand. But they should ask themselves what it is that they want, whether they are going to take up arms for sport or for battle. Battle on the front line requires one sort of thing, sports on our Campus Martius quite another. Yet, the artful use of arms in sport also has some value for both the gladiator and the soldier. But what makes men invincible is a mind that is keen and vigorous, as well as discriminating and resourceful—without the addition of any art. 84

85–87 Antonius on natural abilities

"Therefore,⁵⁹ when I now set about the formation of the orator for you, I shall first examine, if I can, what he is able to accomplish. For I would like to see him imbued with culture; he should have done some listening and reading, and have learned even those precepts that we have mentioned. I will examine in what respects his physical qualities meet the demands of appropriateness⁶⁰: what he can accomplish in terms of his voice, his strength, his breath, and his tongue. If I then come to the conclusion that he is capable of reaching the highest ranks, I shall not only encourage him to spare no effort, but, if he also impresses me as a good man, I shall even beg him to do so—so highly do I value the distinction that an eminent orator, who is also a good man, confers on the entire community. But if he has done everything he can and is still likely to reach only an average level, I will allow 85

⁵⁷See 1.186–190.

⁵⁸For the terminology, see notes 156 and 157 at 1.189.

⁵⁹Antonius has just stressed that natural endowments are more important than the rules of art, and "therefore" starts by examining what sort of person the prospective orator is.

⁶⁰For the importance of appropriateness, see 1.130–132.

him to make his own choice; I won't bother him too much. If, however, he is absolutely unsuitable and awkward, I will advise him to restrain himself and choose some other pursuit instead. For we must not in any way allow our encouragement to fail someone of the highest abilities, nor should we deter anyone who has some measure of ability. The position of the first sort of person, it seems to me, is almost divine, while that of the second—either to refrain from doing what you don't have the highest abilities to do, or to do what you are not extremely bad at doing—is typically human. But the third course, ranting in defiance of appropriateness and one's limitations, is typical of a man (as you once said about some ranter, Catulus) who, by blowing his own horn, is collecting as many witnesses of his own stupidity as he can. Let us, therefore, talk about this figure, the one who has a right to our encouragement and help. And let us do so in such a way as to pass on to him no more than what practice has taught us, and thus guide him to the point that we ourselves have reached without a guide, since better teaching we cannot offer him.

88–98 *Antonius on imitation and training*

88 “Well, Catulus, let me take our friend Sulpicius here as my starting point: I first heard him in a minor case, when he was quite young. His voice, his appearance, his bodily movements, and all his other qualities were well suited for the task that we are considering, while his manner of speaking was quick and impetuous—a mark of his talent. His words, however, were boiling over with excitement and were a little too exuberant—a mark of his youth.⁶¹ I did not think this contemptible: I like to see fertility in a young man. For, as with vines, it is easier to check what has grown too abundantly than to produce new shoots by cultivation if the stock is weak. Likewise, in a young man, I want to have something to prune away. For in a growth that has reached maturity too quickly, vitality cannot be long-lived. I immediately recognized his talent, and without losing any time, I encouraged him to treat the forum as the school where he could learn, and to choose the teacher he preferred—
89 but if he listened to my advice, it should be Lucius Crassus. The fellow jumped at my suggestion and assured me that this was what he was going to do, also adding, out of courtesy no doubt, that I too would be his teacher. Scarcely a year had passed from the time of the conversation in which I gave him this encouragement, when he prosecuted Gaius Norbanus and I defended him.⁶² The difference that I noticed between the Sulpicius of that occasion and the one that I had seen the year before was incredible. It is absolutely true that his own natural abilities were leading him to that magnificent and splendid manner of Crassus. This would not, however, have enabled him to achieve sufficient results, had he not aimed at this same goal

⁶¹In *Brutus* 316 and *Orator* 107–108, Cicero speaks in the same terms about his own style of speaking when he was young; he may be indirectly defending himself here.

⁶²This trial took place in 95 BC. It is more extensively described in 2.197–203; see also the Index at Norbanus.

by energetically imitating Crassus and developed the habit of speaking with all his thoughts and attention focused on him.

"This, then, must be the first rule I give to the prospective orator: I will show him whom he should imitate.⁶³ The next thing, to be joined to this, is practice, through which he must imitate and thus carefully reproduce his chosen model, but not in the way I have known many imitators to do. For people often direct their imitation to features that are easily copied, or even to all but faulty ones that happen to be conspicuous. Nothing is easier than to imitate the way someone dresses or stands or moves. And surely if the model has some fault, it is no great thing to adopt that and to exhibit the same fault yourself, like Fufius, the man who is raving on in the State even now after losing his voice. His oratory fails to achieve the vigor of Gaius Fimbria (which the latter certainly possessed), while he does imitate his distorted mouth and his broad pronunciation.⁶⁴ But Fufius did not know how to choose the most suitable model for himself, and the model he did choose, he wanted to imitate even in terms of his faults. Anyone who is going to do things properly must, first, be very careful in making his choice; and he must also devote all his attention to attaining those qualities of his approved model that are truly outstanding.

"For that matter, what do you think is the reason that each particular period produced virtually only one particular type of oratory? This is a conclusion less easy to draw in the case of our own orators (since they have not really left many writings from which conclusions might be drawn) than in the case of the Greeks. From their writings we can infer what manner of speaking was preferred in each period. Perhaps the oldest—at least of those whose writings have come down to us—are Pericles and Alcibiades,⁶⁵ with Thucydides from the same period, and they are all precise, pointed, terse, and more abundant in ideas than in words. Such uniformity among all of them could never have come about, had they not taken someone for their model. After them came Critias, Theramenes, and Lysias. Many writings of Lysias are extant, some of Critias, and we have heard about Theramenes. All of them even then retained this vitality of Pericles, but their texture was somewhat richer. Then suddenly Isocrates appeared, the teacher of all of those well-known people who issued from his school as true masters, as if from the Trojan Horse. But some of them sought their fame in parades, some in the front line of battle. Now as to the former, people like Theopompus,

⁶³For the importance of imitation, somewhat strange to modern tastes, see Introduction, p. 27.

⁶⁴Fufius' oratory is also criticized elsewhere (by Crassus in 3.50, by Cicero himself in *Brutus* 222). Antonius' condemnation of his political activities in this section obviously echoes the feelings of the historical Antonius (who was his opponent in the Aquillius case [see Index] and who, as our passage suggests, probably condemned his political agitation during the crisis of 91–90 BC); Cicero himself was far more neutral about Fufius as a person (cf. *Brutus* 222, *On Duties* 2.50).

⁶⁵Speeches attributed to Pericles existed in Cicero's time; see *Brutus* 27 (they were most probably spurious). The same was apparently true of Alcibiades.

- Ephorus, Philistus, Naucrates,⁶⁶ and many others, their natures do differ, but they are similar to one another as well as to their teacher in their aims. And the latter, who turned to pleading cases, like Demosthenes, Hyperides, Lycurgus, Aeschines, Dinarchus, and a host of others, were indeed unlike one another,⁶⁷ yet they were all representatives of this same type, the one that models itself on reality.⁶⁸ As long as imitation of these men persisted, the pursuit of this type of speaking lived on. But when, after their death, all memory of them had gradually grown dim and then vanished, certain other types of speaking flourished, which were softer and more relaxed. Representatives of these types were Demochares, said to have been Demosthenes' nephew, and then Demetrius of Phalerum, in my opinion the most polished of this entire lot, as well as others similar to them. And if we like, we can trace this pattern all the way down to our own time, and we will come to understand that just as even in these days all of Asia is imitating Menecles of Alabanda and his brother Hierocles (both of whom I have heard speak), there has always been, at each point in time, someone whom most people wanted to resemble.
- 95 "Whoever, then, wants to achieve such resemblance through imitation, must pursue this goal by frequent and extensive practice, and particularly by writing. Our friend Sulpicius' language would be much more compact, if he did this; as it is, it occasionally has a sort of luxuriance about it (as farmers say about grass when it is at the height of its growth), which should be grazed down by the pen." "You are certainly giving me the right advice," Sulpicius reacted, "and I thank you for it. But I do not believe that you, Antonius, have been in the habit of writing much yourself." "You seem to forget that I am teaching others what I lack myself," Antonius replied.⁶⁹ "Yet
- 96
- 97

⁶⁶The first three of these were historians; the available testimony about the fourth mentions him only as an "epideictic" (i.e., ceremonial) orator and (probably) as a rhetorician.

⁶⁷Though Cicero suggests that all those mentioned here were pupils of Isocrates, this is problematic, especially in the cases of Demosthenes, Aeschines, and Dinarchus: they are not regarded as such elsewhere, and Cicero is obviously stretching his case. There are also other problems in this account; see Fantham 1978: 6–11 on its chronological structure, and LP: 287–288.

⁶⁸This difficult passage has vexed interpreters. Taken in the way it is here, the only remaining problem is Cicero's tortuous way of holding on to his scheme of the dominance, caused by the principle of imitation, of one "type" (*genus*) in each period. His argument in 2.94 amounts to (1) a broadening of the concept of "type," and (2) a substitution of "reality" (the subject of the historians, but also of the practical oratory of Demosthenes and the other four) for a human model. Thus, the "type" of the writers and orators mentioned is defined by the fact that they "model themselves on" (i.e., imitate) "reality." Many of the problems in other interpretations are caused by misguided attempts to give the very general word *genus* (here rendered as "type") a meaning that corresponds to a more specific, modern concept (cf. LPW: 147–148).

⁶⁹See Antonius' ironical announcement in 2.29.

people think I do not even keep accounts⁷⁰—but you can tell what I actually do, in the latter case, from my personal property, and in the former, from what I achieve in speaking, however little that may be.

“Nevertheless, we can see around us that there are many who imitate no one, but accomplish what they want on the strength of their own natural abilities, without resembling anyone. This can readily be observed in you both, Caesar and Cotta. One of you⁷¹ has acquired a particular charm and wittiness that is quite unusual, at least in our orators, and the other an exceptionally pointed and precise type of oratory. And there is also your contemporary Curio, whose father was in my opinion really the most eloquent man of his time. It is my impression that he does not imitate anyone in particular either. Still, with the dignity, refinement, and copiousness of his language, he has fashioned a kind of oratory that has, so to speak, a certain form and shape of its own. I could actually judge this firsthand in the case he conducted before the Council of One Hundred⁷² on behalf of the Cossi brothers, while I was speaking for the other side. On that occasion, he showed himself in possession of every quality that not merely a copious, but actually even a wise orator should have.⁷³

98

99–306 INVENTION

99–113 *Getting to know the case (status theory)*

“But let us at last lead the orator whom we are creating to actual cases, and especially to those that involve a bit more trouble, namely judicial ones. Now someone might perhaps laugh at the following precept, for it is not so much clever as necessary, a piece of advice from someone who is no fool, rather than something a learned teacher might say—but this is the first rule we shall give him: to acquaint himself diligently and thoroughly with each and every case he is going to handle. This precept is not taught in the schools, for the cases entrusted to the boys are simple ones. For example: a law forbids a foreigner to climb the wall; one got up on it and drove back the enemy; he is brought to court. Acquainting oneself with a case like this involves no trouble. So they are right to give no precepts on learning about a case, for cases in the schools almost always follow this pattern. In the forum, however, there are documents, testimonies, agreements, formal guarantees, re-

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⁷⁰Elsewhere (*Against Verres* 2.1.60) Cicero reports the same belief about Antonius, adding that it was false. Keeping accounts was considered very important; it could be of particular importance in a trial, for the books could be used as evidence in court (as in the cases mentioned in 2.280 and 2.281).

⁷¹I.e., Caesar.

⁷²On this Council, see Glossary.

⁷³Nothing further is known about this trial.

relationships by blood and by marriage, magistrates' rulings, legal opinions, and finally the whole of the lives of those involved, and one must acquaint oneself with all of these. We can see for ourselves that it is through negligence in such matters that most cases are lost, particularly private ones,⁷⁴—
 101 for they are often much more difficult to understand. Thus, a number of people want their activities to be considered important, and in order to be seen flitting all over the forum and running from case to case, they plead their cases without having properly acquainted themselves with them. In doing so, they commit the offence, grave enough in itself, of negligence if they have taken up the case of their own accord, or of bad faith if they have accepted it when invited. But this offence is actually even graver than is commonly thought, because no one can fail to make a total disgrace of himself when he is speaking about a subject that he has not mastered. And so, while they don't care about being criticized for indolence, which is actually the more serious reproach, what they succeed in winning in addition is the criticism they are trying harder to avoid, namely that of being slow-witted.

102 "As for myself, I always do my best to have every client instruct me about his own circumstances personally, and with no one else present, so that he can speak more freely; and I always plead the case of the adversary in order to make him plead his own and advance any thought he might have about his own situation. Then, after he has left, I, just by myself, play three roles with complete calmness: my own, that of my adversary, and that of a juror. Whatever aspect is such as to offer more help than disadvantage, I judge fit to bring forward; on any point where I discover more harm than
 103 good, my verdict is to reject it entirely. In this way, I can think about what to say at one time, and say it at another—two things which most people, relying on their talent, do simultaneously. Yet these same people would certainly speak quite a bit better if they would only decide to take one occasion for thinking and another for speaking.

104 "Once I have thoroughly acquainted myself with the circumstances of the case, the point of dispute comes immediately to my mind. For everything that can be a matter of dispute between people—whether the case turns on a criminal charge as when it involves some wrongdoing, or on a civil controversy as when it involves an inheritance, or on deliberation as when it involves war, or on a personality as when it involves praise, or on a theoretical discussion as when it involves the way to live—the question must either be about what was done, is being done, or will be done; or about the character of the matter involved; or about the name that should be applied

⁷⁴"Private ones," i.e., civil cases before a single judge; see 1.173 with note 128. Cf. Crassus' criticisms (in 1.166–184) of orators who fail to acquaint themselves with legal matters; the picture that Antonius gives in the next section especially resembles Crassus' remarks in 1.173.

to it.⁷⁵ Generally speaking, in our cases, at least in those dealing with criminal charges, the defense is usually based on denial. For example, in cases of extortion, which are particularly important, all allegations must, as a rule, be denied,⁷⁶ and in cases of election bribery, you rarely have the opportunity to distinguish generosity and openhandedness from bribery and corruption.⁷⁷ In cases of murder, poisoning, and embezzlement of public property, denial of the charge is actually the inevitable plea. This, then, is the first category of cases: in the courts, it turns on a controversy over what happened in the past, in deliberations most often on a controversy over what will happen in the future and only rarely over what is happening or what happened in the past.

105

"Often too the question is not whether something is or is not the case, but rather what its character is, as when Gaius Carbo, as consul, defended Lucius Opimius before the people (I was present then). He denied nothing about the killing of Gaius Gracchus, but asserted that this had been done justly, to save our country—just as Scipio Africanus had answered, in response to a question by this same Carbo about Tiberius Gracchus (Carbo was at that time tribune of the plebs and was practicing politics with a totally different attitude),⁷⁸ that it seemed to him that Gracchus had been killed justly. And in general, an appeal to justice is the basis of the defense for all those actions that were obligatory or permitted or unavoidable or that seem to have been done out of ignorance or by accident.⁷⁹

106

⁷⁵Antonius here summarizes (a particular version of) status theory, which was very important in contemporary standard rhetoric (see Introduction, pp. 32–34). He mentions, respectively, the conjectural status (*status coniecturalis*; developed in 2.105 below), the status of quality (*status qualitatis*; see 2.106), and the status of definition (*status definitionis*; see 2.107–109). His view differs from the standard views in two essential respects: (1) the point of dispute comes to mind "immediately"; the standard doctrine is thus implied to be easy (see also 2.132); (2) he insists that the doctrine is applicable not only to judicial cases (divided into criminal and civil ones), but also to the other two standard rhetorical genres (deliberative and laudatory speeches) and to philosophical issues (see Introduction, p. 34).

⁷⁶These cases concerned extortion committed in the provinces. They were "particularly important" because they were often politically significant (cf. Introduction, p. 5) and could also, in some circumstances, entail the loss of civic status (on this last issue, see 1.181, note 144).

⁷⁷This is precisely what Cicero himself did in 63 BC, when defending Murena; see especially *In defense of Murena* 77; cf. Leeman 1982.

⁷⁸Sometime before his consulship in 120 BC, Carbo had become a conservative; as a tribune of the plebs (130 BC), he had been an anticonservative. This volte-face is here underlined by the fact that the argument he used in 120 to defend the killing of Gaius Gracchus was exactly the argument used by his opponent in 130 to defend the murder of Tiberius Gracchus, Gaius' brother. See also 2.170.

⁷⁹This subdivision of the status of quality follows traditional lines, except that intricate subdivisions are avoided; see Introduction pp. 32–34.

107 "Furthermore, the question is about the name to be applied when there
 is a conflict over what word should be used to designate something, as, for
 example, in the case of Norbanus, in which I myself had a major conflict of
 that sort with Sulpicius here. I admitted the truth of most of the facts that
 he brought up, but I denied that Norbanus had 'impaired the majesty of the
 Roman people'—and under the terms of the Appuleian Law, the entire case
 108 depended on this expression.⁸⁰ Now for cases of this type, some people lay
 down the rule that each of the parties must succinctly define the expression
 that determines the point at issue in the case. To me at least, this always
 seems extremely childish. Definition of the expressions involved is quite a
 different affair when there is a discussion among learned people about the
 subject matter of one of the arts, for example when it is asked what an art
 is, or a law, or a state. In such cases, rational procedure as well as standard
 doctrine recommend that the essence of the thing you are defining should
 109 be described in such a way that nothing is absent or superfluous. In the case
 I just mentioned, however, Sulpicius did no such thing, nor did I attempt to
 do so. Each of us employed all the fullness he could muster in expanding
 upon what it meant 'to impair the majesty of the Roman people.' And in-
 deed, a definition, first of all, is often wrenched from our hands if the ad-
 dition or removal of just one single word is criticized. Secondly, by its very
 nature it has the smell of learning, and of exercises that are little more than
 childish. Thirdly, a definition cannot enter the heart and mind of a juror, for
 it will slip past him before he has grasped it.

110 "But in the type of case in which the point of dispute is something's
 character, the conflict also often arises from the interpretation of a written
 document. In such cases, the controversy can depend only on ambiguity.⁸¹
 For even the cases in which the letter is at variance with the spirit contain
 some sort of ambiguity, which is solved as soon as the missing words have

⁸⁰The Appuleian Law, carried by the tribune Lucius Appuleius Saturninus (most probably in 103 BC), set up a permanent court for dealing with cases of *maiestas populi Romani minuta*, "the impairment of the majesty of the Roman people" (approximately "treason"), but obviously without giving a definition. See also the Glossary at "majesty."

⁸¹Antonius, after setting out his own views here in 2.110–111, will, in sections 111–112, explicitly indicate that they differ from standard doctrine on two points. Both of these are designed to reduce the complexity of the system by reducing the number of categories. In the first place, cases arising from the interpretation of written documents, the so-called "legal questions," were normally kept separate from the so-called "rational questions," i.e., from those that fell under one of the three or four status categories mentioned in 2.104 above (see, e.g., Crassus' account of the standard system in 1.140; cf. Introduction, p. 33). Antonius, however, takes these "legal questions" to belong to the status of quality. In the second place, while the standard systems distinguished three categories of cases based on written documents, namely ambiguity, contradiction, and conflict between letter and intention (see again 1.140; cf. Introduction, p. 33), Antonius holds that ambiguity is the basic category for all; it is ambiguity that should (if at all) be subcategorized.

been supplied. After adding these, one argues that the intention of the text had been clear all along. Also, if the point of dispute is something arising from texts that contradict one another, this does not imply the creation of a new type, but the repetition of the previous one. It will either be impossible to decide such a controversy, or it will be decided in such a way that whatever text we are supporting will be made complete by a restoration of the words that were not included. Thus, of those cases in which a written text underlies the point of dispute, one category remains, namely of those that arise when something has been formulated ambiguously. Of these ambiguities, there are a number of categories (which I think the so-called dialecticians⁸² know better, while our dear friends the rhetoricians, who should be equally familiar with them, don't know them at all). Yet the one most common in everyday practice of any kind, whether in conversation or in writing, is when something is in dispute because either one or more words have been left out. And these people make another mistake⁸³ in separating this kind of case, which is concerned with the interpretation of a written document, from those mentioned earlier, in which the dispute is over the character of the matter involved. For nowhere is the question of the actual, general character of a thing more prominent than in the examination of a written text, something that is entirely distinct from a dispute over what happened.

"All told, then, there are three categories of questions that can become the subject of controversies and debates: 'what is being done, was done, or will be done,' or 'what is its character,' or 'how should it be called.' For the category added by some Greeks, 'whether the thing done was right,' belongs entirely to the category, 'what is its character.' But let me now return to what I set out to do.

114–120a *General remarks on the three means of persuasion*

"Well then, after accepting a case and acquainting myself with its category, the very first thing I do when I start working on the matter is to establish the point of reference for the whole portion of the speech that specifically concerns the judgment of the issue itself. After that, I consider very carefully two further elements: the first one recommends us or those for whom we are pleading, the second is aimed at moving the minds of our audience in the direction we want. The method employed in the art of oratory, then, relies entirely upon three means of persuasion: proving that our contentions are true, winning over our audience, and inducing their minds to feel any

⁸²For dialecticians, see Glossary at "dialectic."

⁸³Antonius has indicated the first mistake in the parenthesis in section 111: the rhetoricians do not know how to categorize cases arising from the interpretation of written documents (see above, note 81 on the structure of Antonius' argument).

116 emotion the case may demand.⁸⁴ Now, for the purpose of proving, the orator has two kinds of material at his disposal.⁸⁵ One consists of the things that are not thought out by the orator, but, inherent in the circumstances of the case, are treated methodically by him, such as documents, testimonies, agreements, evidence extracted by torture, laws, decrees of the Senate, judicial precedents, magistrates' rulings, legal opinions, and whatever else that is not discovered by the orator, but is presented to him by the case and the parties involved. The other kind is that which entirely depends on the reasoning and argumentation of the orator. So, in dealing with the first type, one must think about how to treat the arguments; with the second, about discovering them as well.

117 "Now the people who make teaching their business, after carving up the cases into several categories, provide us with a great supply of arguments for each individual category.⁸⁶ This procedure may indeed be more suitable for training young men, so that, as soon as a case is put before them, they know where to go, and from where they can fetch readymade arguments immediately. Nevertheless, it is the slow-witted who follow the rivulets but fail to see the sources, while it is fitting for people who have attained our age and experience to derive what we wish from the fountain-head, and to discern the place from which all things flow. As to that first type, which consists of the items presented to the orator, we have to practice them so that they are permanently ready for use, every time an analogous case comes up. For we often argue both for and against documents, for and against witnesses, for and against evidence extracted by torture, as well as for and against everything else of this sort, either in the abstract about an entire class, or specifically about individual occasions, people, and cases. Through much training and rehearsal (and I am saying this to you, Cotta and Sulpicius), you must have these commonplaces⁸⁷ prepared and ready

118 at hand. It would take me too long now to set out the right method for either supporting or refuting witnesses, documents, and evidence extracted by torture. All of these matters call for only average natural ability, but a re-

⁸⁴These three means of persuasion (argumentation, ethos, and pathos) provide the structure for Antonius' treatment of invention. This procedure marks an important difference with standard rhetoric, and Cicero here probably drew on Aristotle's *Rhetoric*. See Introduction, pp. 30–32, 34–35, 39.

⁸⁵These two kinds, described in what follows, closely correspond to the nontechnical and technical means of persuasion defined by Aristotle in *Rhetoric* 1.2.2 (1355b35–1356a1), and discussed there in 1.15 (1375a22–1377b11); they are also known as the nonartistic and artistic means of persuasion, or as the extrinsic and intrinsic arguments. The extrinsic are again mentioned in 2.118–119, 163, and 173. It is probable that Cicero is here drawing on Aristotle (despite a difference in the way of classifying the extrinsic arguments); see Wisse 1989: 128–132.

⁸⁶In standard rhetoric, each *status* was assigned a list of arguments. See Introduction, p. 34.

⁸⁷I.e., the standard arguments for and against documents, etc. See Glossary at "commonplaces."

ally extraordinary amount of practice; they also require art and its rules, to be sure, but at most to the extent that they should be given distinction by certain stylistic ornaments. Likewise, those of the other type, which are entirely produced by the orator, are not difficult to think out; rather, they need to be unfolded in a manner that is clear and brilliant, and thoroughly polished. 120

120b-128a *The division of labor between
Antonius and Crassus*

"In our cases, then, we must try to discover these two things, first what to say, then how to say it. The first, which is seemingly totally dependent on art, indeed requires art, but it still takes little more than average intelligence to discern what must be said. The second is the area where the almost superhuman power and excellence of the orator are displayed: to employ distinction, fullness, and variety in saying the things that must be said. Therefore, as to the former part, I shall not refuse to deal with it and to polish it up, since this is obviously what you want me to do (it is for you to decide how far I succeed). That is, I will discuss from which sources a speech must be drawn to ensure the inclusion of the three things that alone secure belief, namely winning over, instructing, and moving people's minds—for these are the three factors that do so. As to giving them brilliance, however, we have at our disposal the very man who can teach everyone: the man who was the first to introduce this into our oratorical practice, who did the most to strengthen it, who alone has really mastered it. For let me tell you something, Catulus—the suspicion of flattery won't prevent me from saying it. I daresay I've often listened with great care to every orator of any distinction whom our age has produced, Greek or Roman. So, if there is anything in me—as I may now presume to hope, seeing that men of your talents are listening to me with such attention—, it is because no orator ever delivered a sentence while I was listening that did not settle deep within my memory. Being the person that I am, therefore, and whatever my ability to judge, I have no hesitation, after hearing all of the orators, in giving this as my official judgment: no one among all orators ever possessed the quantity and the quality of the distinguished oratorical equipment that we find in Crassus. For this reason, if you are also of this same opinion, the following division of labor will not, to my mind, be a bad one. After doing what I set out to do, namely begetting, nourishing, and developing the strength of this orator that I am now fashioning, I shall hand him over to Crassus to be clothed and equipped."⁸⁸ 121 122 123

To this, Crassus replied, "No, Antonius, you go ahead as you set out to do. You are not behaving like a good or a generous parent, if you fail to clothe and equip the child you have begotten and reared, especially when you cannot deny being richly endowed. For was there any equipment, any power, any vigor, any dignity lacking in the orator who did not hesitate, 124

⁸⁸Antonius here proposes that he will treat invention (and arrangement), but that after that, Crassus will treat style. This is indeed what eventually happens.

when bringing his speech to its end, to call forward the defendant, a former consul, tear open his tunic, and expose to the jurors the scars on the old general's chest?⁸⁹ And this same orator, when defending a seditious madman prosecuted by Sulpicius here,⁹⁰ did not hesitate even to glorify sedition itself, and to show in the most impressive words that often many outbursts of popular violence are not unjustified, and that no one can be held responsible for them; that often many cases of sedition had actually been aroused in the best interest of the State, as when the kings had been expelled, or when tribunician power had been established; and that this sedition of Norbanus, stemming from the grief of the citizens and the hatred for Caepio who had lost an army, could not have been checked and had been

125 kindled with good reason. Could this line of argument, so precarious, so unheard of, so slippery, so out of the ordinary, be handled except through really incredible oratorical power and skill? What should I say about his appeal to pity in the case of Gnaeus Mallius, or in that of Quintus Rex—or in countless other cases? What was most conspicuous in these instances was not the quality that everyone ascribes to you, a unique sort of intellectual power. No, the very things that you are now trying to delegate to me for discussion, those you have always possessed to an outstanding and extraordinary degree."

126 At this point, Catulus intervened. "For my part, one thing always amazes me most about you two: although you are quite different from one another in your oratory, each of you, nevertheless, speaks in a way that suggests there is nothing that nature has denied you or that instruction has not conferred on you. For this reason, Crassus, I am sure you will not deprive us of your kindness by refusing to clarify anything that may have been passed over or left out by Antonius; and you, Antonius, if you fail to mention something, we won't assume that you are incapable of discussing it, but rather that you prefer Crassus to do so."

127 "Antonius," Crassus now said, "please skip what you intended to discuss: none of us here needs it. I mean the commonplaces, where we can find what we are to say in our cases. Although the way you treat these matters is outstanding and quite novel, they are still rather simple in practice, and also well known from the standard rules. Rather, produce for us the actual sources from which you derive the material that you use so often in your

128 practice, and always with such brilliance."⁹¹ "Produce them I will," Anto-

⁸⁹Crassus here refers to Antonius' defense speech in the trial of Aquillius; see Index at Aquillius.

⁹⁰The reference is to the case of Norbanus, mentioned already in 2.89, 107–109.

⁹¹I.e., Crassus asks Antonius not to give the specific argument headings ("commonplaces") that are found in the standard precepts (such as that in a certain type of case, "the prosecutor will use the commonplace against one who has preferred the disadvantageous to the advantageous when he lacked the right of decision," *Rhetoric for Herennius* 2.22). Instead, he wants more general principles (see further, Introduction, p. 34). With this request, Crassus ignores the fact that in 2.117, Antonius himself has already indicated that this is what he wants to do. Cf. Glossary at "commonplaces."

nius replied. "Indeed, in order to exact more easily what I claim from you, I will refuse you nothing that you demand from me."

128b–145a *Arguments: introduction; determining
the nature of the case; the technical
rules are oversystematic*

"My oratorical method, and the skill that Crassus praised to the skies just now are, as I said before, based entirely on three procedures: one is to win people over, the second, to instruct them, the third, to stir their feelings⁹²—the first of these elements requires that you speak with gentleness, the second with intellectual acumen, and the third with vigor. For if someone is to decide a case in our favor, it is necessary that he should either lean in our direction because his sympathies are so inclined, or be brought over by our arguments for the defense, or be forced by emotions. The second element, however, the one that includes the account of the actual matter at hand and its defense, seems to be representative of my so-called theory on such affairs.⁹³ So, I shall first talk about that, limiting myself to a few remarks. There are indeed only a few things that I seem to have been using in my actual practice up till now, and to have recorded, as it were, in my mind. And I will gladly follow your sensible advice, Crassus: I will omit the lines of defense for each individual case, such as those teachers always offer their pupils, but I will reveal the fountainheads from which every line of argument for every case and for every speech is derived. After all, it is unnecessary to search our minds for the letters, every time we have to write a word; and neither should we, every time we have a case to plead, go back to the arguments set aside for that type of case. In order to give an account of a case, we must have at hand specific commonplaces⁹⁴ that, like letters for writing a word, occur to us on the spot. But these commonplaces can only benefit an orator who has concerned himself with practice, either through experience, which in the end age will bring, or through listening and reflection, which anticipates age if you apply yourself to it with diligence. For you may bring me someone as learned, as sharp-witted and intelligent, and as ready in delivery as you like: if, for all that, he is a stranger to the customs of his community, its precedents and models, its traditions, and the character and inclinations of his fellow citizens, then those commonplaces, from which arguments are produced, will not be of much benefit to him. I need someone with talent that has been well worked over, like a field that has been plowed not once, but a second and then a third time, so that it can bear crops that are bigger and better. And working it over in

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⁹²See 2.114–115, 121 for these three means of persuasion.
⁹³I.e., the area of the arguments represents most clearly Antonius' approach of offering general principles, for here the contrast to standard rhetoric, with its long lists of ready-made arguments, was clearest (see again Introduction, p. 34).
⁹⁴These "commonplaces" are not those of standard rhetoric, but of a different, more abstract kind, as Antonius will proceed to explain.

this case means exposing it to practical experience, listening, reading, and writing.

132 "First then, our speaker must see what the nature of the case is, something never deeply hidden—in other words, whether the question is 'was something done,' or 'what was its character,' or 'what name should be applied to it.' Once this has been discerned, the point that determines the case, that is, the point that cannot be removed without eliminating the dispute, comes immediately to mind, through a kind of natural intelligence, not by the calculations prescribed by those teachers. Next the issue to be decided must be identified.⁹⁵ The teachers instruct us to look for this as follows: 'Opimius killed Gracchus.'⁹⁶ What is the point determining the case? That he did so for the sake of the State, after calling the people to arms on the authority of a decree of the Senate. Remove this plea, and you will not have a case. But Decius maintains that the act as such, being against the law, was not permitted. Therefore, the issue to be decided will be 'whether the act was permitted on the authority of the decree of the Senate for the sake of saving the State.' All this is obvious and within the range of ordinary intelligence. The things one really needs to look for are the arguments bearing on the issue to be decided, which ought to be adduced by the prosecution and the defense.

133 "And here we must note the greatest mistake of the teachers to whom we send our children. Not that this has really much to do with oratory, but I still want you to see what sort of people these rhetoricians are, who think themselves so learned—a dim-witted and unrefined lot. For in their division of speeches into types, they posit two classes of cases, identifying one in which inquiry is made about a general category, without reference to persons and occasions; and another that is delimited by specific persons and occasions—without realizing that all disputes can be related to one about
134 the essential nature of a general category. For example, in this case that I mentioned just now, neither the person of Opimius nor that of Decius has anything to do with the orator's commonplaces, since the question is an abstract one, about the entire category as such: should someone really be punished who, acting on the authority of a decree of the Senate and in order to save our country, has killed a citizen, when such an act was not permitted by law? In short, there is no case in which the issue to be decided is examined in terms of the actual persons of the litigants, and not as a question on a general level, about the categories as such.

135 "Even in those cases where the point of dispute is a fact, such as 'Did Publius Decius take money illegally,'⁹⁷ both the arguments supporting the

⁹⁵"The point that determines the case" and "the issue to be decided" are semitechnical phrases; their meaning is explained in what follows. They refer to the Hermagorean concepts of the "justification" (Latin *ratio*) and the "point of decision" (*iudicatio*; in Greek, κρινόμενον).

⁹⁶This case, which was of special interest to Cicero, was already mentioned in 2.106. See Index at Opimius.

⁹⁷This refers to another trial involving the same Decius, about which nothing certain is known.

prosecution and those supporting the defense must be referred to a general category, namely to the character of an entire class. For example, that Decius is extravagant must be referred to questions about extravagance; that he is covetous of other people's possessions, to questions about greed; that he is seditious, to questions about riotous and wicked citizens; that he is incriminated by many, to questions about witnesses in general. On the other hand, everything said in defense of an accused will necessarily be directed away from a specific occasion and individual, back to the common overall characteristics of the matters and categories involved. Now to someone who is slow to grasp everything relevant to the nature of such things, it may seem that these issues, which are to be decided in cases turning on a question of fact, are very numerous. But the truth is that the number of accusations and defenses is unlimited, not the number of commonplaces. As to those cases in which the point of dispute is not the fact itself, but its character, they are innumerable and obscure if counted on the basis of the individual litigants, but if counted on the basis of the matters at issue, they are pretty limited in number and very clear. For example, if we make the case of Mancinus⁹⁸ dependent upon Mancinus alone, then a new case will spring up every time someone who has been surrendered by the *pater patratus* is not accepted. But if the controversy determining the case is 'whether someone surrendered by the *pater patratus* has the right to a resumption of civic status if he has not been accepted,' then the name of Mancinus has nothing to do with the arguments for the defense or with the art of speaking in general. If it is true that a person's dignity or lack of it contributes something to the case as well, this lies outside the issue itself, and even what is said on this point must still necessarily be related to a discussion about a general category.

"My purpose in making these points is not to refute learned people—even if censure is not inappropriate for those who, in defining a category, describe their cases as depending on specific persons and occasions. For although occasions and persons do come into play, it is important to understand that our cases nevertheless do not hinge on these, but on the general category of the question involved. This, however, is no concern of mine, for I shouldn't have any quarrels with such people. It is enough merely to understand that they have not even accomplished what they could have achieved in their abundant leisure time, even without our experience in the forum: namely, they might have distinguished the general categories and described them with some precision. But as I said, this is no concern of mine. What is important to me, and even far more so to you, my friends Cotta and Sulpicius, is the fact that, as their systems now stand, the number of cases is positively frightening. For it is actually unlimited if it is made dependent on individual persons: so many people, so many cases. But if we relate them to general questions about categories, their number is so limited and so restricted that diligent, clear-headed orators with good memories should have all of them available, after reviewing them in their minds and, I would almost say, repeatedly reeling them off. Unless perhaps you think the fact that

⁹⁸See 1.181, with notes.

Lucius Crassus learned about his case from Manius Curius was the reason that he adduced so many arguments why Curius, although no posthumous son had been born, should nevertheless be Coponius' heir.⁹⁹ But the name of Coponius and that of Curius had nothing to do with the wealth of his arguments or with the essential characteristics of the case. The entire question hinged on the general category to which the matter at hand belonged, not on the occasion or on the personal names. The text of the will runs as follows: 'If a son is born to me and he dies before, etc., then let this man be my heir.' So, the question at issue (whether the one who is designated heir in the event of a son's death indeed appears to be the heir if no son has been born) is an inquiry about a permanent principle of equity and about a general category, and does not require people's names, but a systematic approach to speaking and the availability of sources for arguments.

142 "Those jurisconsults too, they are an impediment to us and deter us from learning. For I see that in the treatises of Cato¹⁰⁰ and in those of Brutus, as a rule every legal opinion is recorded under the name of the particular man or woman to whom it was given. I suppose they want us to think that the reason for a particular consultation or uncertainty about the law lies in the individual people and not in the matter itself. Thus, because the number of individual people is innumerable, they hope that we will be worn out by our study, and give up our wish to learn the law together with our hope of mastering it. But someday Crassus will untangle these things for us and lay them out described by category. For, in case you didn't know it, Catulus, he gave us his promise yesterday that he would collect the civil law, which, he said, is now scattered and disconnected, into fixed categories and reduce it to a manageable art."¹⁰¹

143 "To be sure," replied Catulus, "that is by no means a difficult task for Crassus. He has learned all that there is to learn about the law, and he will himself add whatever was lacking in his teachers. So, he will be able to describe the contents of the law with precision, and also to illuminate it with distinction." "Well then," said Antonius, "these are the things we shall learn from Crassus, once he has withdrawn, as he intends to do, from the chaos of the court-benches to the leisure of his counselor's chair."¹⁰² "Yes," Catulus said, "I have often before heard him say that he is determined to bid farewell to pleading cases at court. But as I always tell him, he won't be allowed to do so. For he himself will be unwilling to let good men¹⁰³ beg for his help in vain too often, and the community will not calmly endure this

⁹⁹Cf. 1.180 (with notes) for details of this celebrated case.

¹⁰⁰The Cato mentioned here is probably not the famous Cato the Elder ("the Censor"), who is so often mentioned in *De oratore*, but his son, who was an eminent jurist; see LP, and Wieacker 1988: 539, with note 52.

¹⁰¹For Crassus' "promise," see 1.186–190 (especially 190).

¹⁰²See Crassus in 1.199–200.

¹⁰³For the political overtones of "good men," see the Introduction, p. 5. Considering the dramatic date of the dialogue, this is particularly significant; cf. 1.24–26.

either: if it is deprived of the voice of Lucius Crassus, it will consider itself stripped of a jewel." "Yes, indeed," added Antonius, "if what Catulus says is true, Crassus, you will have to pass your life in the same treadmill with me, and we might just as well leave that yawning and sleepy wisdom of yours to the Scaevola family and the rest of the blessed, who have leisure for it." Here Crassus laughed a bit and said, "Just finish weaving the work you have begun, Antonius. As for myself, I tell you that this yawning wisdom, as you call it, will not fail to give me back my freedom as soon as I have taken refuge in it." 145

145b–151 *The right approach*

"This idea that I began weaving just now," resumed Antonius, "was leading up to the following conclusion (seeing that it is understood that all issues called into question depend not on the innumerable individual persons or unlimited variety of occasions, but on cases of a general kind and on the character of the categories involved; and further, that these categories are not only restricted in number, but are even very few): those who are eagerly devoted to oratory should master the material belonging to each of the categories, marked, equipped with, and given distinction by all the commonplaces, that is, by subject matter and ideas.¹⁰⁴ These by themselves will produce the words, which I, at any rate, always think sufficiently distinguished if they are such that the subject matter itself seems to have produced them. And if you want to know the truth, at least as I see it (for I can affirm nothing but my own view and opinion on the matter), we ought to bring this equipment of general, abstract cases with us into the forum; we should not begin searching the commonplaces from which arguments can be unearthed only at the moment that a case has been entrusted to us. For surely everyone who has given them only moderate consideration can come to know such arguments in every detail through application and experience. At the same time, our minds must be directed back to those sources and to those commonplaces, as I have already often called them,¹⁰⁵ from which everything that can be discovered and invented for any speech is derived. In fact, the whole thing boils down to this (whether it is a matter of art or observation or experience¹⁰⁶): knowing the areas where you must hunt for, and track down, what you are trying to find. Once you have surrounded the entire place with the nets of your thought, at least if practical experience has 146 147

¹⁰⁴By "subject matter and ideas," Antonius indicates that he means here "commonplaces" more or less of the traditional kind: specific aspects for specific types of cases. The difference with standard rhetoric is that he connects them with abstract, general questions instead of with specific ones. In 2.146 below, he will mention the other, abstract kind of "commonplaces" that the orator must also have at hand. See already, e.g., 2.127 (with note 91); cf. Glossary at "commonplaces."

¹⁰⁵See note 104 on 2.145 above.

¹⁰⁶Cf. 2.32, and already 1.109–110.

sharpened your skill, nothing will escape you, and everything that is in the subject matter will run up to you and fall into your hands.¹⁰⁷

“And so, seeing that invention in oratory involves three elements—intellectual ability, secondly method (which we can call art, if we like), and thirdly diligence¹⁰⁸—I, for my part, cannot help but grant pride of place to
 148 natural ability. Yet natural ability itself is also roused out of inertness by diligence—yes, diligence, which is extraordinarily important in all aspects of life, and especially in pleading cases. This is the quality that we must particularly cultivate, this we must always apply, this knows nothing it cannot accomplish. To master a case thoroughly, which I mentioned at the outset,¹⁰⁹
 149 is a matter of diligence. To listen attentively to our adversary, to catch not only his thoughts but his every word, and finally to study closely all the expressions on his face, because they usually betray his feelings, all of this is a matter of diligence—to conceal that we are doing this, however, so that our opponent doesn’t think he is making any headway, is a matter of intelligence. After this, for the mind to move around the commonplaces that I shall soon set out, to work its way deep into the case, to fasten on it with care and concentration, all this is a matter of diligence. And to let the light of the memory, so to speak, shine on them, and to apply our voice and our
 150 physical energy, this is also a matter of diligence. Indeed, between natural ability and diligence there is very little room left for art. Art merely shows you where to look, indicating the location of what you are trying to find. The rest is a matter of care, mental concentration, reflection, alertness, persistence, and hard work. I will sum it up in one word, which I have often used already: diligence, the single virtue on which all other virtues depend.
 151 For instance, look at the full and abundant discourse of the philosophers. I believe (but you are better at such things, Catulus) that they give no rules for speaking, but that does not prevent them from taking up any subject that has been put forward, and talking about it with fullness and abundance.”

152–161 *The philosophical background: Aristotle*

152 Then Catulus said, “It is true, as you say, Antonius, that most philosophers give no rules for speaking, while still having ready at hand what they should say about any subject. But Aristotle, whom I admire most of all, laid out certain commonplaces from which all argumentation may be found, not just for discussions among philosophers, but also for the kind of speech we use in court cases.¹¹⁰ In fact, Antonius, your exposition has stayed close to the views of this man for some time now—perhaps you follow in his footsteps because your own mind resembles his superhuman intellect, or perhaps you have even read these things and learned about them yourself. The latter ac-

¹⁰⁷The metaphor is drawn from a popular method of hunting: an area was closed off with nets, and the game was then driven into these nets with the help of hounds.

¹⁰⁸Antonius here employs a modified version of the usual triad of natural ability, art, and experience/practice, for which see Introduction, p. 27.

¹⁰⁹See especially 2.99 and 104 above.

¹¹⁰Catulus here seems to refer to Aristotle’s *Topica*; see Introduction, p. 39 note 52.

tually seems more like the truth to me, for I can see that you have devoted more attention to things Greek than I had thought."

"I will tell you the truth, Catulus," Antonius replied. "I have always 153
thought that an orator would be more pleasing and more persuasive with our people if, in the first place, he gave the fewest possible hints of technical skill, and secondly, none at all of things Greek. At the same time, the Greeks make great claims and have worked in very important fields, promising to give people methods for seeing the obscurest of things, for leading the right life, and for speaking with fullness.¹¹¹ And so, I have also thought that it was more like a dumb animal than a human being, to fail to lend them an ear. And, if you don't dare to listen to them openly for fear of diminishing your authority among your fellow citizens, you should still do some eavesdropping, pick up what they say, and listen attentively to their stories from a distance. And this, Catulus, is what I have done, and I have briefly sampled the main points of all of your friends' subjects."

"Really," Catulus reacted, "you've been pretty timid in steering your 154
mind to philosophy, as if you were approaching the alluring rock of the Sirens¹¹²—even though our community has never scorned it. To start with, Italy was once full of Pythagoreans, at the time when Greater Greece was part of our land.¹¹³ Because of this, some people even say that our king Numa Pompilius was a Pythagorean, though he lived many many years before Pythagoras. This fact actually enhances his greatness, since he discovered the wisdom necessary for organizing a state nearly two centuries before the Greeks realized that it existed. Also, this community has certainly produced none of more splendid renown or more venerable authority or more refined humanity than Scipio Africanus, Gaius Laelius, and Lucius Furius, and they were always openly in the company of the most learned men from Greece.¹¹⁴ I often heard them say that the Athenians, when sending ambassadors to 155
the Senate about important concerns of their own state,¹¹⁵ provided both

¹¹¹This refers to physics, ethics, and rhetoric (the last taking the place of dialectic); cf. 1.68.

¹¹²Literally, "the rock of pleasure." The Sirens allured sailors to their rock with their song, and the ships then crashed on the reefs; see *Odyssey* 12.39–54, 158–200. The relevance of the reference here lies in the fact that, according to some interpretations, their song promised knowledge. The story thus illustrated the allurement of (philosophical) knowledge (see Cicero, *On the Highest Good and the Highest Evil* [*De finibus*] 5.49).

¹¹³Greater Greece (*Magna Graecia*) was the name for the southern part of Italy, where the coast was studded with Greek cities, founded from 750 BC onwards. Rome conquered that part of Italy in the early 3rd century.

¹¹⁴Catulus has especially in mind Panaetius and Polybius (see Index).

¹¹⁵This famous embassy was sent to Rome in 156/155 BC by the Athenians in connection with a conflict over the city of Oropus, on the Boeotian border. The Athenians had raided Oropian territory; Rome had then been asked to mediate and appointed the Sicyonians as arbitrators, who had decided that the Athenians should pay the exorbitantly large fine of 500 talents. The embassy was then sent to Rome to plead for a reduction, which the Senate indeed granted: the fine was reduced to 100 talents.

them as well as many other leading statesmen great pleasure by choosing the three most celebrated philosophers of the age, Carneades, Critolaus, and Diogenes; and that accordingly, while these philosophers were at Rome, they and many others frequently went to hear them speak. Now, when you have such authorities, Antonius, I do wonder why you should almost declare war on philosophy; like Zethus, as Pacuvius portrays him."¹¹⁶

156 "Not at all," replied Antonius; "I have decided rather to philosophize like Neoptolemus does in Ennius' play: 'only a little—for doing so throughout doesn't seem right.'¹¹⁷ At any rate, this is my opinion, which I thought I had explained: I do not disapprove of such pursuits, provided they are not carried to excess. And I do think that a reputation for such pursuits, or any trace of the use of technical knowledge, works against the orator with those who are to judge his cases, for this diminishes both the authority of the speaker and the credibility of his speech.

157 "But to call our discussion back to the point from which it digressed, of these three most illustrious philosophers who visited Rome, as you told us, note that it was Diogenes who claimed to be teaching an art of reasoning well and of distinguishing between the true and the false, which he called, in Greek, dialectic. This art—if it is indeed an art—offers no directions for
158 how truth may be discovered, but only how it may be judged.¹¹⁸ Regarding everything that we utter, saying that it is so or that it is not so, on the one hand, if it is said without qualification,¹¹⁹ the dialecticians undertake to judge whether it is true or false; on the other hand, if it is stated jointly,¹²⁰ other things being added to it, they judge whether these are correctly added and whether the conclusion¹²¹ of each and every argument is true. In the end they are cut by the barbs of their own sharp thoughts, and in their investigations they discover many difficulties, not only such as they cannot even solve themselves, but also others that again unravel the weaving that was

¹¹⁶Zethus was a character in Pacuvius' *Antiope*, which was based on Euripides' play of the same name (cf. *ROL* II, pp. 162–165). In this tragedy, the two sons of Antiope and Jupiter have a dispute: the musician, Amphion, praises wisdom, while his shepherd brother, Zethus, argues against it. This debate was frequently cited (from Euripides and from Pacuvius) in similar contexts, e.g., by Plato, *Gorgias* 485 E–486 C; Cicero, *On the Republic* 1.30; in the latter passage, Neoptolemus is also invoked, as he is here.

¹¹⁷The quotation is probably from Ennius' *Andromache* (cf. *ROL* I, p. 368, and for a more adequate text, line 95 in H. D. Jocelyn's edition, Cambridge 1967).

¹¹⁸The complicated sentence that follows, with its involved syntax and slightly odd vocabulary, mirrors Antonius' judgment that this "art" is full of intricacies and unclarity.

¹¹⁹This refers to simple propositions, "X is Y."

¹²⁰This refers to compound propositions; an example (given in Gellius 16.8.9) is, "If Plato is walking, then Plato is moving."

¹²¹Latin *summa* is here taken to mean "conclusion" (contra LP); cf. the description of dialectic in *Brutus* 152.

previously begun, or rather, nearly completed. This Stoic, therefore, is of no help whatsoever here, since he does not teach me to find what to say. In fact, he actually even hinders me, because he discovers many things that he says are absolutely insoluble, and the way of talking that he employs is neither clear, nor expansive and steadily flowing, but meager, dry, cramped, and disjointed. If anyone approves of this style, he will at least have to acknowledge that it is unsuitable for an orator. For this oratory of ours must be adapted to the ears of the crowd, in order to please them, stir their emotions, and prove things that are weighed not in the balance of the goldsmith, but, so to speak, in common scales. So, let us dismiss that entire art, which is all too silent when it comes to thinking out arguments, and all too talkative when judging them.

159

160

"As for this Critolaus, who, as you mentioned, accompanied Diogenes to Rome, I think he could have been more helpful to this pursuit of ours.¹²² For he was from the school of your Aristotle, from whose discoveries, in your opinion, I am not straying very far. And between this Aristotle (I have read the book in which he described all of his predecessors' theories of speaking, as well as those in which he gave some views of his own about this same art¹²³) and the specialist teachers of this art, there is, it seemed to me, the following difference: he looked with the same intellectual acumen, by which he had discerned the essential nature of all things, also at what was relevant to the art of speaking (which he despised)¹²⁴; but the people who considered only the latter worth cultivating spent their whole lives on the treatment of this theory alone, not with the same intelligence as he, but with a greater devotion to practicing this one subject.

"Carneades, however, possessed incredible oratorical power and variety, which it would be extremely desirable for us to have. In all of the debates that he entered, he never defended any position that he did not prove, nor assailed any that he did not overturn. But this is something greater than could be demanded from the people who occupy themselves in teaching these matters.

161

¹²²This passage demonstrates that the Peripatetic school of the second century did not, as is sometimes claimed, provide "commonplaces" (of the Aristotelian kind) for rhetorical use.

¹²³Antonius here refers, first, to the *Summary of the Arts* (Συναγωγή τεχνῶν), a survey of rhetorical handbooks made by, or for, Aristotle; and then to the *Rhetoric*, and possibly the *Topica*. Cicero, as author, thus indicates that he knows these works; it is highly unlikely that the historical Antonius read them (see Introduction, p. 39 with note 52, and p. 18; Wisse 1989: 148–151).

¹²⁴The notion of Aristotle's contempt for rhetoric probably derived from the tradition about the hostility between him and Isocrates (cf. Düring 1957: 299–314). Actually, the *Rhetoric* itself does contain disparaging remarks about the subject, most notably in 1.1.3–9 (1354a11–b22), on the irrelevance of emotional appeal, and in 3.1.5 (1403b36–1404a1), "delivery seems a vulgar matter" (see Fortenbaugh 1986: 242–254). Cf. Wisse 1989: 149–150.

162–177 *The system of abstract commonplaces*

- 162 “For my part, if I wanted someone who was completely untrained to be instructed in speaking, I would indeed prefer to send him to these indefatigable workers, whose one task is to pound the same anvil day and night. Like wet nurses feeding baby boys,¹²⁵ they put nothing into their mouths but tiny morsels, chewed small. But it is different when I am dealing with someone who appears to have received a gentleman’s¹²⁶ education, to have already gained some experience, and to be endowed with a sufficiently sharp intellect. Then I will hurry him off not to where some separate rivulet is kept confined, but to the place where the whole stream bursts forth, to the person who will point out to him the seats and, as it were, the dwelling places
163 of all arguments, and will briefly clarify and define them. For¹²⁷ there should be no stumbling blocks for someone who has perceived that everything that can be introduced into a speech, either for proving or refuting, is derived either from the essential nature of the matter at hand or taken from outside.¹²⁸ From the essence, when there is a question about either the matter as a whole, or about part of it, or the name it should have, or anything at all relating to it; from without, when materials are collected that come from outside and are not inherent in the nature of the matter.
- 164 “If there is a question about the matter as a whole, its entire nature must be set out by a definition, as follows: ‘If the majesty of the community consists in its prestige and dignity, then it has been impaired by the man who has delivered up an army to the enemies of the Roman people, not by the man who has delivered up the one who did this to the power of the Roman
165 people.’¹²⁹ But if about a part, then a partition must be used, in this way: ‘Concerning the safety of the State, he either had to obey the Senate, or establish another council, or act on his own initiative. Establishing another council would have been haughty; following his own counsel would have been arrogant; therefore, he had to employ the counsel¹³⁰ of the Senate.’¹³¹ But if we use an argument based on a name, then we can say something like what Carbo said: ‘If a consul is someone who consults the interests of the
166 country, what else has Opimius done?’ But if we start from what relates to

¹²⁵There is a pun in the Latin, since the word for “baby,” *infans*, literally means “unable to speak.”

¹²⁶Literally, “free man,” as in 1.17.

¹²⁷Here begins the list of commonplaces of the kind that Antonius has been talking about for some time; cf. Introduction, p. 34.

¹²⁸This first distinction is that mentioned in 2.116–117, viz., between intrinsic arguments (further subdivided in 163–172) and extrinsic ones (discussed in 173).

¹²⁹Another reference to the Norbanus case; see already 2.89, 107–109, and 124 above; and 2.167 below.

¹³⁰The similarity of “council” and “counsel” is meant to reproduce the use of the one word *consilium* in Latin, the meaning of which covers both English words.

¹³¹This example is probably taken from the speech of Carbo in defense of Opimius, which also provides the next example; it was mentioned earlier in 2.106, 132, and 134.

the matter, there are a number of "seats" for arguments, that is, many commonplaces. We will look for connected terms, genus, species, similarities, differences, opposites, attendant circumstances, consistencies, so-called antecedents, and contradictions,¹³² and we will search for causes, and what results from causes, and look for things that are greater, equal, and lesser.

"Arguments are derived from connected terms as follows: 'If dutifulness deserves the highest praise, you ought to be moved when you see Quintus Metellus mourn so dutifully.'¹³³ From a genus: 'If magistracies ought to be subservient to the power of the Roman people, why do you accuse Norbanus, whose tribunate complied with the wishes of the community?' From a species: 'If all who take counsel for the interests of the State ought to be dear to us, certainly this is particularly true of our generals, by whose counsels, courage, and risks we retain both our security and the dignity of our dominion.'¹³⁴ From a similarity: 'If wild animals love their young, what tenderness should we humans show toward our children!' Again, from a difference: 'It may be typical of barbarians to live only for the moment, but our plans should aim at what endures.' In both these categories, of similarities and differences, we must often adduce examples taken from the deeds or words or experiences of others, as well as fictional stories. Furthermore, we can draw from an opposite as follows: 'If Gracchus' actions were criminal, Opimius' action was splendid.'¹³⁵ And from attendant circumstances: 'If he was killed with a sword, and you, his enemy, were seized with a bloody sword on the very spot, and no one but you was seen there, and no one else had a motive, and you have always been reckless, can we feel any doubt about the crime?' From consistencies and from antecedents and from contradictions, if we say something like Crassus once said as a young man¹³⁶:

¹³²The translation of some of these terms is uncertain, because it is not always clear what Cicero means; the examples given below do not always help. Though the principle of the abstract commonplaces is clear and does seem fruitful (see Introduction, p. 34), Cicero appears to have given the actual list less attention than he might have.

¹³³Apparently, from one of the speeches held in 100 and 99 BC before the Roman people, by one of the many who worked for the return of Q. Caecilius Metellus Numidicus, who had gone into exile in 100. The Metellus referred to here is his son, who led the attempts for his recall, thus gaining the name of *Pius*, "Dutiful." These attempts were successful in 99, and Numidicus returned in 98. On the whole issue, see especially Badian 1984: 130–140.

¹³⁴This may refer to Antonius' defense of Manius Aquillius, already alluded to in 2.124 (and again mentioned in 2.188 and especially 194–196 below): he seems to have laid great stress on the fact that Aquillius had been a general. Cicero may have made a mistake here. The example seems another case of an argument taken from a genus, rather than from a species. LP's interpretation, which is meant to remedy this problem, is rather strained.

¹³⁵Obviously another example from the case already adduced twice in 1.165 above.

¹³⁶The following is taken from Crassus' first speech, mentioned elsewhere in *De oratore*: see, e.g., 1.121, and Index at Carbo. Carbo's inconsistency has also been mentioned in 2.106 above.

'You may have defended Opimius, Carbo, but that will be no reason for these people on the jury to take you for a good citizen. It is obvious that you were pretending, and that you had ulterior motives, seeing that you often lamented the death of Tiberius Gracchus in public meetings, that you were an accomplice in the murder of Scipio Africanus,¹³⁷ that you proposed that law during your tribunate,¹³⁸ and that you were always at odds with the good men.'¹³⁹ From causes, as follows: 'If you want to eliminate greed, you must eliminate its mother, extravagance.' From what results from causes: 'If we use the resources of the treasury to support war and to adorn peace, then let us devote ourselves to safeguarding the public revenues.' We will compare the greater, the lesser, and the equal as follows. Starting from the greater: 'If a good reputation is superior to riches, and money is so keenly desired, how much greater should the desire for glory be!' From the lesser as follows:

Now, for the sake of a casual acquaintance,
this boy bears her death as if he'd known her so well! Then what
if he'd loved her? What will he do when I, his father, die?¹⁴⁰

From the equal: 'It is typical of the same man both to steal money from the State and to hand it out lavishly to her detriment.'¹⁴¹

173 "Moreover, arguments taken from outside¹⁴² are those that are supported not by their own force, but by an extrinsic factor, like these: 'This is true, for Quintus Lutatius Catulus said so.'¹⁴³ 'This is false, as is clear from the ex-

¹³⁷After Scipio suddenly died in 129 BC, there were rumors that he had been murdered by his political opponents. It was unclear whether there were grounds for this suspicion, or that he actually died a natural death.

¹³⁸This probably refers to Carbo's (unsuccessful) proposal in 130 BC, when he was tribune of the plebs, of a law that explicitly allowed a tribune to stand for re-election after his one-year term. This was something forbidden to (most) other magistrates, whose terms were restricted to one year. The proposal was considered revolutionary by many. It would increase the power of the tribunes, which was already greatly feared after the revolutionary tribunate of Tiberius Gracchus in 133 BC.

¹³⁹For the political meaning of "good men" (and of "good citizen" above), see Introduction, p. 5.

¹⁴⁰From the beginning of Terence's comedy *Andria* (lines 110–112), obviously a famous passage (other lines from it are quoted in 2.327 below). Simo is speaking, and at this point takes the behavior of his son Pamphylus at Chrysis' funeral as a sign of his kind heart. He does not yet know that Pamphylus is in love with Glycerium, who was (supposed to be) the sister of Chrysis.

¹⁴¹The source of this quotation is obviously a speech against "popular" measures such as the grain law of Gaius Gracchus, which instituted monthly distributions of grain among the citizens at a fixed and, therefore, subsidized price (see, e.g., *On Duties* 2.72, with Dyck's commentary).

¹⁴²I.e., "extrinsic" arguments; see 2.163 with note 128.

¹⁴³Catulus (here present!) was known for his integrity.

amination under torture.' 'This conclusion is inevitable, for I am citing the documents.' This entire category I discussed some time ago.¹⁴⁴

"I have described these matters in the briefest possible way. For if I wanted to show somebody gold that had been buried in many places, it should be enough for me to point out the signs that indicate its locations; once he knew these, he would dig for himself, and be sure to find what he wanted with little effort. In the same way, I have indicated these signs, which show anyone who is looking for arguments where they are; for the rest, unearthing them is a matter of care and concentration.¹⁴⁵ As to the question of what types of argument are best suited to each type of case, for this we need no sophisticated art to give us rules, and only an average intellect to make the decisions. After all, what I am doing here is not to describe some art of speaking, but to hand on, to quite learned people, certain suggestions, as I might call them, drawn from my own experience. Once, then, these commonplaces have been fixed firmly in the mind and the intellect, and are activated whenever a subject is posed for discussion, there is nothing that can escape the orator, either in the disputes in the forum, or in any other kind of speech whatsoever. But if, moreover, he succeeds in giving people the impression of himself that he wants, and in affecting his audience's emotions in a way that enables him to pull or drag them wherever he wishes, then he will surely meet all the requirements necessary for a speaker.

"Furthermore, it is easy to see that discovering what to say is by no means enough, unless you know how to treat what you have found.¹⁴⁶ This treatment should be varied, to prevent the audience from detecting your technique and from becoming exhausted by being given too much of the same thing. You should state the proposition you are advancing,¹⁴⁷ and demonstrate why it is actually so. Starting from the very commonplaces that I discussed, you should sometimes formulate your conclusion, at other times omit it and pass on to something else. Often it is advisable not to state your proposition, but to indicate what the proposition would have been by giving the reason for it; and if for some point you come up with a comparison, first to establish what you offer as comparison, and then add the point you are arguing.¹⁴⁸ You should, for the most part, conceal the divisions between

¹⁴⁴See 2.116, and especially 118–119.

¹⁴⁵This version reflects what we think Cicero may have written. The transmitted text, *reliqua cura et cogitatione eruuntur*, is probably corrupt (cf. Appendix C, List of Readings, p. 313).

¹⁴⁶This subject of the "treatment" of arguments was discussed quite extensively in school rhetoric (see, e.g., *Rhetoric for Herennius* 2.27–46).

¹⁴⁷The proposition was that part of a so-called epicheirema in which the point to be made was formulated (an epicheirema was an argument in the form of an extended syllogism; see *Rhetoric for Herennius* 2.28; *On Invention* 1.67).

¹⁴⁸This sentence is problematic (see LP). Taken as it is here, it covers the example given in 2.168 above, where the comparison ("wild animals love their young") is formulated first, and the point argued ("we humans . . .") then added.

the arguments, to give no one the opportunity to count them; thus, while they are separate in fact, they will appear to flow together in the way they are expressed.

178–181 *Antonius introduces the other two means of persuasion (ethos and pathos)*

178 “I am running through these things in a hurry, being a half-educated man among the learned, so that we might at last arrive at those other, more important matters. For nothing in oratory, Catulus, is more important than for the orator to be favorably regarded by the audience, and for the audience itself to be moved in such a way as to be ruled by some strong emotional impulse rather than by reasoned judgment. For people make many more judgments under the influence of hate or affection or partiality or anger or grief or joy or hope or fear or delusion or some other emotion, than on the basis of the truth or an objective rule, whether some legal standard or a formula for a trial¹⁴⁹ or the laws. So, with your permission, let’s move on to these subjects.”

“There is one small thing, Antonius,” said Catulus, “that still seems to be missing from your account, and you must discuss that before setting out in the direction that you say you are going to take.” “What is it?” asked Antonius. “What do you think is the best order of the arguments,” Catulus answered, “and the best way to arrange them? It always seems to me that, in this area, you have the abilities of a god.”¹⁵⁰

180 “Look at how much of a god I am at that sort of thing, Catulus,” said Antonius. “I swear, if it hadn’t been for your reminder, the thought wouldn’t have crossed my mind—which might show you that the successes that I sometimes seem to attain are merely due to my oratorical experience, or rather to chance, and that I always just happen upon them. In fact, this subject that you mention, but that I didn’t know about and thus passed by just as I would some stranger, is so powerful in oratory that nothing contributes more to winning a case. For all that, I think you were too quick in asking
181 me for an account of order and of the arrangement of the material. If I had made the force of an orator entirely dependent on arguments and on proving the case in and of itself, then certainly it would now be time to say something about the order of the arguments and their arrangement. But since I have claimed that there are three factors that come into play, and only one of them has been dealt with, the question of arranging the whole of a speech should be posed only after I have also dealt with the other two.

¹⁴⁹For the use of “formula,” see note 125 at 1.168.

¹⁵⁰Catulus, like Cicero’s contemporary readers, expects that now that the arguments have been discussed, the whole of invention has been treated. He therefore anticipates a discussion of the next “activity” of the orator, arrangement. That is, he has not yet understood that, for Antonius, invention must also include ethos and pathos (see Introduction, pp. 30–32, 34–35), something that Antonius will now again emphasize.

182–184 *Ethos*

“Well then, the character, the customs, the deeds, and the life, both of those who do the pleading and of those on whose behalf they plead, make a very important contribution to winning a case. These should be approved of, and the corresponding elements in the opponents should meet with disapproval, and the minds of the audience should, as much as possible, be won over to feel goodwill toward the orator as well as toward his client. Now people’s minds are won over by a man’s prestige, his accomplishments, and the reputation he has acquired by his way of life. Such things are easier to embellish if present than to fabricate if totally lacking, but at any rate, their effect is enhanced by a gentle tone of voice on the part of the orator, an expression on his face intimating restraint, and kindness in the use of his words; and if you press some point rather vigorously, by seeming to act against your inclination, because you are forced to do so. Indications of flexibility, on the part of the orator and the client, are also quite useful,¹⁵¹ as well as signs of generosity, mildness, dutifulness, gratitude, and of not being desirous or greedy. Actually all qualities typical of people who are decent and unassuming, not severe, not obstinate, not litigious, not harsh, really win goodwill, and alienate the audience from those who do not possess them. And these same considerations must likewise be employed to ascribe the opposite qualities to the opponents. But this entire mode of speaking is most effective in cases where there is not much opportunity to use some form of sharp and violent emotional arousal to set the juror’s heart aflame. For we don’t always have to employ vigorous oratory, but often we should rather speak in a quiet, low-keyed, and gentle manner. This is particularly effective in recommending parties [*rei*] to the audience. (By ‘parties’ [*rei*] I mean not only those who are accused, but all those whose interests [*res*] are at stake—for this is how the word was used in the old days).¹⁵² Portraying their characters in your speech, then, as being just, upright, conscientious toward the gods, subject to fear, and patient of injustice, is enormously influential. And if this is handled agreeably and with taste, it is actually so powerful—whether done in the prologue or when narrating the facts or when bringing the speech to its conclusion—that it often has more influence than the case itself. Moreover, so much is accomplished by speaking thoughtfully and with a certain taste, that the speech may be said to mold an image of the character of the orator. Employing thoughts of a certain kind and words of a certain kind, and adopting besides a delivery that is gentle and shows signs of

¹⁵¹“Orator and client”: not in the Latin, but implied by the context. See Wisse 1989: 224–233; LP: 126–128.

¹⁵²The Latin word *reus* (plural *rei*) regularly indicates the defendant in a court case. Here and frequently elsewhere in *De oratore* (cf. 2.78, “litigants”; 2.321) Cicero prefers an older usage (etymologically linking the word with *res*, “interests”), which includes both plaintiff and defendant; this usage is witnessed in ancient law (cf. Twelve Tables 2.2, *ROL* III, p. 434).

flexibility, makes speakers appear as decent, as good in character—yes, as good men.

185–196 *Introduction to pathos;
the orator's own emotions*

185 “Related to this, though of a different order, is the other mode of speaking I mentioned, which stirs the hearts of the jurors quite differently, impelling them to hate or to love, to envy someone or to want his safety, to fear or to hope, to feel favor or aversion, to feel joy or grief, to pity or to want punishment, or to be led to whatever feelings are near and akin to these and
186 other such emotions. Of course, the most desirable situation for the orator is when the jurors themselves come to the case in an emotional state of mind suited to what his own interests demand. For, as the saying goes, it is easier to spur on a willing horse than to rouse a sluggish one. But if this is not the case, or if the situation is rather unclear, then my method is that of a diligent doctor: before attempting to apply treatment to a patient, he must find out, not only about the disease of the person he wants to cure, but also about his routine when healthy and his physical constitution. I do likewise myself: when I set out to work upon the emotions of the jurors in a difficult and uncertain case, I carefully concentrate all of my thoughts on considering, on
187 scenting out as keenly as I can, what their feelings, their opinions, their hopes, and their wishes are, and in what direction my speech may most easily lead them. If they put themselves into my hands and, as I just said, are inclined, of their own accord, to lean in the direction I am pushing them, I accept what is offered and spread my sails to catch any breeze that happens to be blowing. If, however, the jurors are unbiased and unemotional, more effort is required; for then, the given situation offers no help, and all feelings must be stirred by my speech alone. But such enormous power is wielded by what one of our good poets rightly describes as ‘soul-bending, the queen of all the world—speech,’¹⁵³ that it cannot only straighten up someone who is bending over and bend over someone who is standing, but also, like a good and brave general, take prisoner someone who is offering resistance and is fighting back.

188 “Such are the things Crassus was pressing me for just now, making fun of me and saying that I always handle them with brilliance, and praising my supposedly outstanding treatment of them in the cases of Manius Aquilius, Gaius Norbanus, and some others.¹⁵⁴ But I swear, Crassus, that on my part, I always shudder when you handle these matters in your cases: such mental vigor, such energy, such passion always show from your eyes, your face, your gestures, and even from your finger¹⁵⁵; so overwhelming is the

¹⁵³From the *Hermione* of Pacuvius (line 187 ROL), who imitates Euripides, *Hecuba* 816.

¹⁵⁴Antonius refers to Crassus’ remarks in 1.124–125 and 127.

¹⁵⁵The index finger, which was employed in all sorts of gestures; Crassus obviously used it to great effect. Cf. Quint. 11.3.94.

flow of the best and most impressive words; and so sincere are your thoughts, so true, so novel, and so devoid of immature frills, that it seems to me that you are not just setting the jurors on fire, but are ablaze yourself.

“In fact, it is impossible for the hearer to grieve, to hate, to envy, to become frightened at anything, to be driven to tears and pity, unless the self-same emotions the orator wants to apply to the juror seem to be imprinted and branded onto the orator himself.¹⁵⁶ Now if, for instance, the grief that we must assume would somehow be unreal and pretended, and if this mode of speaking would involve nothing but deception and imitation and feigning, then we would probably require some quite powerful art. Well, I’m not sure what happens to you, Crassus, or to others; but since I am in the company of great experts who are at the same time my closest friends, I have no reason to lie about myself. I swear to you that every time I have ever wanted to arouse grief or pity or envy or hate in the hearts of jurors through my oratory, I was invariably, while working to stir the jurors, thoroughly stirred myself by the same feelings to which I was trying to lead them. It isn’t easy to make a juror get angry at the person you choose, if you are seen to take the matter calmly yourself; or to make him hate the person that you want him to, unless he has first seen you burning with hate; or to bring him into a state of pity, unless you have shown him signs of your own grief by your words, thoughts, voice, face, and even by bursting into tears. For no material is so easy to kindle, that it can catch fire unless fire is actually applied to it; likewise, no mind is so susceptible to an orator’s power, that it can be set on fire unless the orator who approaches it is burning and all ablaze himself. But you shouldn’t think this is somehow a difficult and surprising thing, that someone, especially over other people’s affairs, should so often get angry, so often feel grief, so often be moved by every possible emotion: the power of the thoughts that you treat and of the commonplaces that you handle when you are speaking is great enough to preclude any need for pretence and deception. For oratory that aims at stirring the hearts of others, will, by its very nature, stir the orator himself even more strongly than it will any member of his audience. And we shouldn’t be surprised that this might happen to us when pleading, when appearing in trials, when assisting prosecuted friends in their danger, before a crowd, in the public eye, in the forum, when not only our reputation as gifted speakers is at stake—for that would be less important, though if you have claimed to be able to do what only a few others can, even that is no small thing.¹⁵⁷ But other things are much more important: our loyalty, moral duty, and diligence. If we are led by these, we cannot, even if we are defending total strangers, keep on regarding them as strangers, if we want to be considered good men our-

189

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¹⁵⁶The question about the sincerity of an orator’s emotions was probably a matter of debate (see LP; Wisse 1989: 257–269).

¹⁵⁷This sentence is grammatically irregular (a so-called anacoluthon). Antonius is carried away himself here! For the punctuation adopted here, see the analysis in Wisse 1989: 259, note 52.

- 193 selves. But as I said, you shouldn't think this surprising when it happens to us orators, for what can be so unreal as poetry, the stage, the theater? Yet, in such performances, I have often seen myself how the eyes of an actor seemed to blaze forth from his mask, when he was speaking these lines at another's prompting¹⁵⁸:

Did you dare to let him be parted from you, or without him enter
Salamis?

Did you not, then, fear your father's mien?

Never did he say the word 'mien' without making me see Telamon infuriated and raging with grief for his son. Just as when this same man, his voice lowered to a pitiful tone, seemed to mourn and to be in tears when he spoke the next words:

When at the end of my years, bereft
Of children—so you tore me to shreds, left me desolate, killed me, with
no thought for your slaughtered
Brother, nor for his little son, who was entrusted to you in guardianship.

- Now if this actor, although he went on stage every day, could not perform these lines rightly without feeling grief, do you really think Pacuvius was in a calm and relaxed state of mind when he wrote them? That is surely out
194 of the question. For I have often heard (people say that Democritus and Plato have left this statement on record) that no one can become a good poet without emotional fire and without a kind of inspired frenzy.¹⁵⁹

- "So, do not imagine that I (who have no desire to use my speeches for imitating and sketching out the ancient misfortunes and unreal, fictional griefs of heroes—I am not an actor of another's character, but the author of my own)—do not imagine that I didn't feel enormous grief in doing what I did when concluding my speech for Manius Aquillius, when I had to pre-
195 serve his status as a citizen.¹⁶⁰ For I remembered him to have been consul, to have been *imperator*, that he had been honored by the Senate, and had

¹⁵⁸Viz., at the prompting of the poet (whether this is what Cicero actually wrote is, however, uncertain, since the text is corrupt). The following two quotations, which fit together (1½ plus 2½ lines), are from the *Teucer* of Pacuvius (cf. lines 345–349 *ROL*). Teucer was Ajax' half-brother and comrade in the Trojan War, but was not there when Ajax committed suicide. Telamon, their father and king of Salamis, is here addressing Teucer on his return from Troy, reproaching him for not bringing back Ajax; he will eventually banish him.

¹⁵⁹This idea was well known in Cicero's time (cf. *In defense of Archias* 18), and is likewise coupled with Democritus and Plato in Cicero's *On Divination* 1.80. For Democritus, see also Horace, *The Art of Poetry* 295–298 (and B18 in Diels-Kranz); for Plato, see especially *Ion* 533 E–534 E; *Phaedrus* 245 A; and Murray 1995: 6–12, 235–238.

¹⁶⁰The case was already mentioned in 2.124 by Crassus, and in 2.188 by Antonius himself. Loss of citizen status would entail going into exile.

climbed the Capitol in celebration of his *ovatio*.¹⁶¹ So, when I saw him crushed, weakened, mourning, brought to the brink of disaster, I did not attempt to arouse pity in others before having been overwhelmed with pity myself. I clearly sensed that the jurors were especially moved at the point when I called forward the grieving old man, dressed in mourning clothes,¹⁶² and when I was prompted not by rhetorical theory (I wouldn't know what to say about that), but by deep grief and passion, to do what you, Crassus, were praising—I ripped open his tunic and exposed his scars. Gaius Marius, who was present at the trial among his supporters, strongly heightened the sorrow of my speech with his tears, and I, repeatedly addressing him, commended his colleague to his protection, and appealed to him to support the defense of the common fortune of generals. When I uttered these lamentations, and also invoked all gods and men, all citizens and allies, it was not without shedding tears and feeling enormous grief myself. If there had been no grief in all of the words that I delivered on that occasion, my speech, so far from stirring pity, would actually have been ridiculous. For this reason, Sulpicius, I am teaching you two this (being, of course, such a good and learned teacher): to be able to get angry when you are speaking, and to grieve, and to weep.¹⁶³

196

197–204a *The Norbanus case*

“But why should I teach you of all people, Sulpicius? After all, when you were prosecuting my comrade and quaestor,¹⁶⁴ you stirred up such a conflagration not only by what you said, but even much more by your vigor, your grief, and your blazing emotion, that I could barely even attempt to put it out. For everything was definitely on your side in that case. You brought into court the violence that had occurred, the fact that people had been forced to flee, the stone-throwing, and the cruelty of the tribunes against Caepio in his harsh and miserable plight. Moreover, it was an established fact that Marcus Aemilius Scaurus, the leader of the Senate¹⁶⁵ as well as the community, had been hit by a stone; no one could deny that violence had been used to drive Lucius Cotta and Titus Didius from the consecrated *ros-*

197

¹⁶¹Aquilius, consul in 101 BC together with Marius, from 101–99 held a command in Sicily to put down a slave revolt. In 100, his troops acclaimed him *imperator* (an honorary title thus conferred at a victory). In 99, he finished the pacification of Sicily, and was “honored by the Senate” with an *ovatio*. The latter was a victory celebration on a scale less grand than a *triumphus* (e.g., because, as in this case, the enemies had been slaves). E.g., in the procession, the general ascended the Capitol on foot or horseback (not in a chariot as in a *triumphus*).

¹⁶²Defendants regularly wore mourning clothes (which were black and often dirty).

¹⁶³For this interpretation of the Latin (contra LP), see Wisse 1989: 262, note 65.

¹⁶⁴The case is the prosecution of Norbanus, last mentioned in 2.188. For the details of this case, see the sequel here, and Index at Norbanus and Caepio.

¹⁶⁵For “leader of the Senate,” see Glossary.

- 198 *tra*, when they attempted to veto the bill.¹⁶⁶ In addition, you, being a young man, were considered to act with great dignity in making your complaint on behalf of the State, while it seemed that I, being a former censor, could hardly avoid acting dishonorably in defending a seditious citizen, who had been cruel to a former consul in his misfortune. Citizens of the best kind formed the jury, and the forum was full of good men,¹⁶⁷ so that I was only just granted the slight excuse that I was, after all, defending the man who had been my quaestor. I am certainly not going to say that I employed rules of art at this point. I will tell you what I did do, and then you can, if you like, take my defense as a kind of art. I surveyed all types of sedition, the harm they did and their dangers, and in this account I traced these through the whole eventful history of our State, concluding that, though all instances of sedition had always been troublesome, some of them, nevertheless, had been justified and almost necessary. This was the point at which I presented the arguments Crassus mentioned just now¹⁶⁸: that the kings could not have been expelled from our community, that the tribunate could not have been created, that resolutions of the plebs could not have restricted the power of the consuls so often, and that the protector of the community and the champion of liberty, the right of appeal, could not have been granted to the Roman people, without discord among the Nobles.¹⁶⁹ So if those instances of sedition had indeed been for the benefit of this community, then we should not, if some popular upheaval had occurred, automatically accuse Gaius Norbanus of a hideous crime and a capital offense. If it had ever been conceded to the Roman people that its violence seemed justifiable—and I demonstrated that such a concession had often been made—then no reason had ever been more justifiable than this one.
- 199 “Then I changed the entire thrust of my speech and turned to a reproach of Caepio’s flight and a lament over the destruction of his army. Thus, my speech reopened the wounds of those who grieved for their own relatives, and at the same time recalled the hearts of the *equites*, who were the jurors in this case, to a fresh hatred for Quintus Caepio, to whom they were already hostile on account of the question of the courts.¹⁷⁰

¹⁶⁶All this happened during the trial against Caepio in 103 BC (for its background, see Index at Caepio); since this trial was held before an assembly, the prosecution took the form of a bill that proposed to punish him. The *rostra* was a consecrated space (*templum*), because it had been inaugurated by the augurs.

¹⁶⁷For the political overtones of “good men,” see Introduction, p. 5.

¹⁶⁸See 2.124.

¹⁶⁹For the expulsion of the kings, see 1.37 with note 29; for the tribunate, see Glossary; resolutions of the plebs passed in their assembly (the *concilium plebis*) probably were given the formal force of law in 287 BC; the right of appeal to the people (*provocatio*), laid down in a law of 300 BC, protected citizens against the arbitrary exercise of power by magistrates (see CAH IX²: 493–494; CAH VII² Pt. 2: 219–220).

¹⁷⁰In 106 BC, a law proposed by Caepio had been passed that transferred control of the juries from the *equites* to the senators (the Servilian Law, supported by Crassus; see 1.225 with note 194). This law had been quickly replaced by a new one giving the courts back to the *equites*, so they again formed the jury in the trial of Norbanus described here.

"When I sensed that I had gained control of the trial and of my defense, inasmuch as I had secured the goodwill of the people, whose prerogative I had defended even when it involved sedition, and inasmuch as I had won over the hearts of the jurors entirely to my side, owing partly to the disaster that had befallen the community, partly to the grief and longing for their relatives, and partly to their hatred for Caepio personally—at that point I began to combine this vehement and fierce kind of speech with that other kind, based on gentleness and mildness, which I discussed earlier.¹⁷¹ I was fighting, I said, on behalf of my comrade (who by ancestral tradition ought to be like a son to me), as well as for practically my entire reputation and fortune. And nothing could be more disgraceful to my good name, no grief could be more bitter for me, than that I—I, who was considered often to have been the salvation even of fellow citizens whom I didn't know at all—than that I should prove unable to come to the aid of my comrade. I asked the jurors to consider my age, my public offices, and my accomplishments, and if they saw me affected by a just and loyal grief, to allow me to offer such aid, especially when they realized that, whenever I had begged for anything in other cases, it had always been on behalf of prosecuted friends, never to get anything for myself.

"Thus, in the whole of my defense in this case, I only touched quite briefly and quite superficially on what seemed to come within the sphere of rhetorical theory, namely a discussion of the Appuleian Law and an account of what it meant 'to impair the majesty of the Roman people.'¹⁷² I handled the whole case on the basis of these two elements of a speech, the one that recommends and the one that excites, neither of which is given adequate treatment in the rules of the handbooks.¹⁷³ This implied giving the impression both of being very passionate when rekindling the indignation against Caepio, and of being very mild when demonstrating my character in my dealings with those to whom I am bound. So, Sulpicius, I bested your accusation in that case not so much because the jurors were informed, but because their minds were affected."

"Good heavens, Antonius," Sulpicius reacted, "your account is quite accurate. For I have never seen anything slip through someone's fingers in the way that this very case then slipped through mine. When, as you said, I had left you not with a case, but with a conflagration, immortal gods, what a remarkable prologue you used! What fear, what indecision! With what slowness and hesitation your words came! How you clung in your beginning to that one point of excuse that people granted you—that you were speaking on behalf of a man to whom you were closely bound, your quaestor! How well you paved a way for yourself in this first stage, and secured yourself a hearing! But look, just when I was thinking that you had accomplished nothing more than making people think that you deserved to be excused for

¹⁷¹Antonius refers to "ethos," discussed in 2.182–184 (see Introduction, pp. 34–35).

¹⁷²Cf. 2.107–109, with note 80.

¹⁷³About the absence of "ethos" and "pathos" from the post-Aristotelian rhetorical tradition (and their reintroduction by Cicero in *De oratore*), see Introduction, p. 31.

defending a wicked citizen because of your bond with him, you began, imperceptibly, to worm your way out—others were not yet suspecting it, but I was already beginning to be much afraid. You defended what had happened by saying that it had not been sedition caused by Norbanus, but an outburst of anger on the part of the Roman people, and not an unjust one at that, but one that was very well deserved. After that, what commonplace did you fail to employ against Caepio? How you filled all of the proceedings with hatred, indignation, and pity! And this not just in your actual speech, but even in dealing with Scaurus and my other witnesses. You countered their testimony not by refuting them, but by resorting to the same point about the outburst of popular violence. When I heard your account just now, I, for my part, needed no rules at all. To my mind, this very description you gave of your methods of defense is no ordinary kind of instruction.”¹⁷⁴

204b–211a *The individual emotions*

“Still, if you like,” said Antonius, “I will also tell you what principles I generally follow in my speaking, and what are the most essential things I keep in sight. For a long life and experience in affairs of highest importance have by now taught me to understand how people’s emotions are stirred. Personally, I always begin by considering whether or not the case demands such treatment. For we should not apply these oratorical firebrands when dealing with insignificant matters, nor when the attitude of the people in question makes it impossible for us to succeed at all in influencing their hearts by our speech. We must avoid being thought ridiculous because we resort to histrionics over a trifle, or odious because we attempt to uproot what cannot even be moved.

“Now the following emotions are the most important for us to arouse with our speech in the hearts of the jurors, or of any other audience we address: affection, hate, anger, envy, pity, hope, joy, fear, and grief. Affection, we feel, is won if, regarding the matter itself, you seem to defend what is useful for the audience in question; and if your efforts seem to be made on behalf of good men, or rather, on behalf of those who are good and useful for the audience—since the latter approach more readily wins affection, the former, the defense of virtue, secures only esteem. And it is more effective if you hold out the hope of future usefulness than if you recall some past service. You must take pains to show that the matter you are defending is either dignified or useful, and to indicate that the person for whom you are trying to win affection has never been guided by what was useful for himself, and has never done anything at all for his own sake. For while people’s own benefits are a source of envy, their efforts at benefiting others are regarded with favor. Here, we must be careful, when we are talking about those whom we want to be loved for their services, not to seem to bestow excessive praise on their merit and glory, for these are particularly subject

¹⁷⁴For the text, we follow Kumaniecki (and others); see Wisse 1989: 196, note 16 for this, and for other points of interpretation.

to envy. From these commonplaces about affection, we can also learn to build up hate for others and to remove it from ourselves and those we are supporting; and these same categories must be employed in arousing or allaying anger. For hate is produced if you amplify an action that is harmful or inexpedient for the audience themselves; but if you amplify an act that was directed against good men, or against those who least deserved it from this particular person, or against the State, then you arouse, if not really bitter hate, at least a negative emotion that is not unlike envy or hate.¹⁷⁵

"Fear is similarly struck into people's hearts on the basis of dangers threatening either themselves or the community. Personal fear penetrates more deeply, but that which concerns the community should be treated so as to have a similar effect. The ways of dealing with hope, joy, and grief are exactly the same.¹⁷⁶

"But perhaps the most vehement emotion by far is envy, and no less effort is required in crushing than in exciting it. People are especially envious of their equals or inferiors, when they feel they have been left behind, and resent that those others have reached such heights. But often people are also fiercely envious of their superiors, all the more so if they become intolerably boastful, and use their pre-eminent status or fortune to overstep the bounds of fairness that apply to all alike. If such advantages are to be used as fuel for envy, the best course is to assert that they have not been acquired by virtue, and that they are, moreover, actually the results of vice and wrongdoing. And in case they are more honorable and impressive than that, then we can still say that there are no merits that could outweigh this man's insolence and pride. To allay envy, on the other hand, we must maintain that a man's advantages have been acquired at the cost of great labor and great risks, and that his goal has not been to use them for his own benefit, but for that of others. If he seems to have won any glory for himself, we must say that he does not delight in it, even though it is not an unjust reward for the risk taken, and that he actually disregards and renounces it altogether. Also, most people are prone to envy, this vice being highly common and persistent, while the source of envy is the fortune of the pre-eminent and the prosperous. It is, therefore, absolutely necessary to ensure that the reputation of being so fortunate is minimized, and also that such a fortune, which is commonly imagined so outstanding, is seen to be inextricably bound up with hardships and misery.

"Next, pity is aroused if the listener can be induced, when other people's circumstances are lamented, to relate these to his own experiences, either to the bitter experiences he has suffered or to those that he fears. In this way, when he looks upon someone else, he may often be reminded of himself. And while every case of human misery causes people pain if it is described mournfully, the affliction and ruin of virtue are particularly distressing.

¹⁷⁵"A negative emotion . . . ," that is, anger. For this interpretation, see Wisse 1989: 338-340.

¹⁷⁶These four emotions, fear, hope, joy, grief, belong together, as being feelings about a present or future good (joy, hope) or evil (grief, fear).

211b–216a *How to handle ethos and pathos*

"Now, just as that other element of speech, which must recommend one's decency and thus support one's image of being a good man, should be gentle and low-keyed, as I have often said already, so this element, by which the orator aims at changing hearts and influencing them in every possible way, should be intense and vehement. Yet these two kinds of speaking, one of which should be gentle, the other vehement, show a certain similarity, which makes it difficult to keep them apart. For something of that gentleness, which wins us the favor of the audience, ought to flow into this vigorous forcefulness, by which we stir that same audience; and again from this forcefulness some spirit must sometimes animate that gentleness. No speech is better blended than one in which the sharpness of energetic passages is seasoned with the personal humanity of the orator, while the relaxed attitude of gentleness is given strength by some weightiness and energy.

"Passages based on these kinds of speaking, both the one where forcefulness and energy are required, and the one that is suitable for depicting life and character, should begin slowly, but they should also end in a lingering and drawn-out fashion. You should not leap suddenly into that forceful type of speaking, for it is wholly unrelated to the issue, and people first like to hear about the real subject of their judgment. Nor, once begun, should this approach be abandoned too quickly. What happens with an argument is different: it is picked up the moment it is put forward, and then a second and third are demanded. But you could not in this same way arouse pity or envy or anger as soon as you start the attempt. An argument, after all, is proved by the justification given for it, which sticks in the mind the moment it is launched. This other type of speaking, however, is not aimed at supplying the juror with knowledge, but at upsetting his emotions, and no one can achieve this goal unless by a long, varied, and rich speech, and by a corresponding energetic delivery. For this reason, those who speak either briefly or in a low key can instruct the juror, but they cannot move him—and on this everything depends.

"Furthermore, the means of achieving opposite ends are, in all instances, clearly supplied by the very same commonplaces. But arguments must be opposed either by refuting the proofs advanced in their support, or by showing that the conclusion the opponents want to draw cannot be deduced from the premises, and does not follow from them; or, if you cannot rebut their arguments in this way, you must adduce an argument on the opposite side that carries more, or at least equal weight. On the other hand, what is presented gently with the aim of winning favor, or vehemently for stirring the emotions, must be undone by opposite emotions, so that goodwill is removed by hatred, pity by envy.

216b–234 *Antonius introduces an excursus on wit;
Caesar is persuaded to treat the subject*

"It is also pleasant and often tremendously useful to employ humor and witticisms. These, even if everything else can be taught by an art, are certainly

the special gifts of nature and need no art at all.¹⁷⁷ In my opinion, Caesar, you far excel all others in this area, and this qualifies you all the more to serve either as my witness that there is indeed no art of humor, or as the best possible teacher for us, if one does exist."

"To my way of thinking," Caesar replied, "someone who does not lack elegance and humor can discuss any other subject more wittily than witticism itself. In fact, when I had seen that certain Greek books were entitled, 'On the Humorous,' I had entertained some hope that I could learn something from them, and I found that they did contain many examples of Greek humor and wit—for the people of Sicily, Rhodes, Byzantium, and especially those of Attica are very good at this kind of thing. But the authors who tried to impart anything like a systematic art of the subject proved to be so insipid that there was nothing but their very insipidness to laugh about. So at least to me, it seems that this ability cannot possibly be imparted through teaching. 217

"There are, you see, two types of witticism, one that is spread evenly throughout the whole discourse, and another that is pointed and concise. The ancients called the former banter, the latter sharp-wittedness.¹⁷⁸ Trivial names for both—of course, for this whole business of provoking laughter is a trivial matter. Still, as you say, Antonius, I have very often seen a great deal accomplished in trials by good cheer and witticisms. Anyway, while an art is not needed in the continuous type of humor (since nature molds people and, helped by their features, voice, and manner of speaking, it produces witty imitators and storytellers), the same is certainly true for that other, sharp-witted type, since such a witty saying must be hurled and hit its target, even before there seems to be a chance to think about it. How could an art have helped my brother Catulus here when he was asked by Philippus why he was barking¹⁷⁹—and answered that he saw a thief? How could it have helped Crassus in the humor that he displayed all through his speech against Scaevola before the Council of One Hundred,¹⁸⁰ and throughout his defense of Gaius Plancus, against the prosecutor Brutus?¹⁸¹ 219 220

"In fact, Antonius, it is the general opinion that the credit you give me

¹⁷⁷On "art" vs. "nature," see Introduction, p. 27, and Glossary at "art."

¹⁷⁸In Latin, *cavillatio* and *dicacitas* respectively. Of course, Caesar's aim in introducing this classification of witticisms here is not to devise some sort of system. He uses it only to illustrate more clearly that humor, of whatever kind, cannot be taught systematically.

¹⁷⁹In Latin, *catulus* means "puppy"; *latrare*, "to bark," is a word commonly used for orators who shouted (cf. e.g., 3.138; also *Brutus* 58). It is unknown in which circumstances this exchange took place, or to what Catulus' retort referred.

¹⁸⁰The case in question is the celebrated *causa Curiana* (mentioned again in 2.221); for details see 1.180 (with notes). For the Council of One Hundred, see Glossary.

¹⁸¹This Marcus Junius Brutus, son of an eminent jurist, was himself an unscrupulous accuser, something in general socially unacceptable in Rome (cf. below, 2.222–226). Of Gaius Plancus and the case mentioned here, nothing certain is known.

ought to be given to Crassus. For it is unlikely that you will find any other speaker who excels in the two kinds of humor, both the one that is displayed throughout a continuous discourse and the kind marked by quick, sharp-witted sayings. His entire speech in defense of Curius against Scaevola overflowed throughout with good humor and joking. It did not contain those terse witticisms, for he was sparing his opponent's dignity, and in doing so preserved his own. This is, in fact, the most difficult thing for humorous, sharp-witted people to do: to take account of people and circumstances, and to refrain from saying what occurs to them even if it would be extremely witty to make the remark. And so some humorous people wittily take Ennius to mean exactly this,¹⁸² when he says it is easier for a wise man to extinguish a flame in his burning mouth than to refrain from uttering good sayings—where, of course, they make 'good sayings' mean witty ones, since these are nowadays normally referred to as merely 'sayings.'¹⁸³ But while Crassus suppressed these in dealing with Scaevola, and made fun of his opponent's case and argumentation by means of the other kind of humor (which employs no stinging insults), in fighting Brutus he used both kinds; he hated the man, and thought he deserved to be insulted. He said so much about the baths that Brutus had recently sold,¹⁸⁴ and so much about his squandered inheritance! And then, those terse witticisms! When Brutus said, 'Why am I working up a sweat here for no good reason?', Crassus retorted, 'That's not surprising at all, for just now, you took leave of your baths.' There were countless examples of this sort. But his humor of the continuous type was no less pleasant. Brutus had called forward two readers, had assigned one to read Crassus' speech on the colony of Narbo¹⁸⁵ and the other the one on the Servilian Law,¹⁸⁶ and had compared some passages containing conflicting political views. Then our friend here showed his great wit, assigning three men to read from the three books on the civil law written by Brutus' father. From the first book, he had this read: 'My son Marcus and I hap-

¹⁸²For the Latin text on which the translation of this sentence is based, see Appendix C, List of Readings, p. 314. It was first proposed by Bake, but rejected (we think wrongly) by LPR.

¹⁸³The point of this joke lies in the meaning of *dicta*, "sayings." In Ennius' time, the meaning was literal, "sayings, statements, pronouncements," so "good sayings" (*bona dicta*) meant something like "wise, useful statements." Later, "sayings" (*dicta*) also acquired the extended meaning "witty sayings, witticisms," so that "good sayings" could now be interpreted to mean "good witticisms."

¹⁸⁴The reference is to public baths that had belonged to Brutus. It becomes clear in what follows that Brutus had sold them because he was in financial difficulties.

¹⁸⁵This speech was most probably given in 118 BC, when Crassus was 22; against opposition from the Senate, it helped secure the implementation of an earlier bill that mandated the foundation of a Roman colony at Narbo (in Gaul, modern Narbonne); Crassus himself wanted and secured one of the two positions of supervisor of the founding (see especially Sumner 1973: 94–96). His defense of the plan included an attack on senatorial authority, and could therefore be contrasted to his later, emphatic defense of senatorial policies in the speech mentioned next.

¹⁸⁶For this speech, see 1.225 (with note 194) and 2.199 (with note 170).

pened to be at the estate at Privernum.¹⁸⁷ 'Brutus,' Crassus commented, 'your father declares that he left you an estate at Privernum.' Next this, from the second book: 'I was at the estate at Alba Longa with my son Marcus.' 'Clearly,' Crassus said, 'this man, who was among the wisest of our community, knew this big spender. He was afraid that, if his son had no possessions, people might think that he had left him nothing.' Then this, from the third book, the last one he wrote (for I have heard Scaevola¹⁸⁸ say that this is the number of genuine books by Brutus): 'I happened to be sitting at the estate at Tibur with my son Marcus.' And Crassus asked, 'Where are these estates, Brutus, which your father left you, as he testifies on public record? If you hadn't already reached manhood,' he continued, 'he would have composed a fourth book and left a written statement that he had also had a conversation with his son in the baths.'¹⁸⁹

"Anyone would admit that Brutus was defeated by this humor and these witticisms no less than by the dramatic approach that Crassus also used when, by coincidence, an old woman of the Junian clan was carried out for burial, just as the trial was taking place.¹⁹⁰ Immortal gods! What oratorical power! how unexpected, how sudden!—when, with eyes fixed on him, with menace in every gesture, and with quick-flowing words marked by great seriousness, he exclaimed: 'Brutus, why are you still sitting there? What do you want that old woman to report to your father? What should she say to all those whose images you see being carried by?'¹⁹¹ Or to your ancestors? Or to Lucius Brutus, who freed this nation from the tyranny of the kings?¹⁹² What should she say you are doing? To what goal, to what glory, to what virtue should she say you are dedicated? Increasing the family fortune? You might say that this is not a proper thing to do for a member of the Nobility.¹⁹³ But suppose that it is—there is nothing left; your extravagance has dis-

225

¹⁸⁷The treatise was obviously written in dialogue form.

¹⁸⁸This is probably Scaevola "Augur" (the interlocutor in Book 1), but possibly Scaevola "Pontifex."

¹⁸⁹Among the Romans it was considered indecent for a father and a grown son to bathe in one another's company.

¹⁹⁰Funeral processions of members of the great families often passed through the forum, where the trial was also held. The deceased woman belonged to the *gens* (clan) of the Junii, of which the Brutus family was also a part (this Brutus' full name was Marcus Junius Brutus). She was, however, not a close relation (otherwise Brutus would have attended).

¹⁹¹In funeral processions of important families (those with members who had held a higher magistracy), the *imagines*, wax portrait-masks of deceased members of the *gens* (clan), were worn by descendants or actors. These "images" or "masks" were normally displayed in the family mansion (see below, 2.226).

¹⁹²See 1.37, with note 29.

¹⁹³Moneymaking through commercial enterprise was considered improper for members of the Nobility, farming (on whatever scale) being the only acceptable way of keeping up the family capital. Livy, at 21.63.3–4, mentions an early law (then controversial, and by this time obsolete) that prohibited senators from owning ships any larger than were necessary for transporting goods from their land.

226 sipated all of it. Or studying the civil law, the profession bequeathed to you by your father? But she will tell him that the movable goods you kept for yourself when you sold the house did not even include the counselor's chair of your father.¹⁹⁴ Or following a military career?—you who have never laid eyes on a camp! Or pursuing eloquence? But that is something you do not have, and whatever power of voice and tongue you do possess, you have devoted to the basest of profits, those acquired by bringing false accusations! Do you dare behold the light of day? Do you dare look at those who are assembled here? Do you dare present yourself in the forum, in the city, in plain view of your fellow citizens? Don't you shudder at the sight of that dead woman, at the sight of these very masks?¹⁹⁵ Not only have you left yourself no opportunity for following the example of your forebears, you have not even left yourself room for setting up their images.'

227 "Brilliant oratorical drama, all this, but you will also recall countless examples of Crassus' lighthearted humor, even from one single speech given at a public meeting. For never was greater energy displayed, nor was a speech before the people ever more dignified than the one he recently delivered against his colleague during his censorship; nor has there ever been one that was better seasoned with good cheer and wit.¹⁹⁶ That is why I agree with each of your points, Antonius. Witticisms are often very useful in our oratory, and they cannot possibly be imparted by means of an art. I am, to be sure, surprised that you have given me so much credit in this area, and have not here, as in all other fields, awarded the prize to Crassus."

228 "I certainly would have done so," replied Antonius, "if this didn't make me a little jealous of Crassus from time to time. No matter how humorous and witty somebody may be, that in itself is no reason for being overly envious. But when somebody is more elegantly witty than anyone else, that this same person should both have and be seen to have more authority and dignity than anyone else (as is the case with Crassus alone)—this seems to me hardly bearable." Crassus himself laughed at this, and Antonius continued, "And yet, Caesar, although you denied the existence of an art for witticisms, you still revealed one point that seemed to demand instruction. You said that we ought take account of the people, the case, and the circumstances, so that our joking should not detract from our authority¹⁹⁷—a principle always especially observed by Crassus. But this only provides us with a rule for omitting witticisms when they are not called for; we want to know how to use them when they are: for example, against an adversary, and particularly—if his stupidity can be ridiculed—against a stupid, greedy, or fickle

¹⁹⁴Movable goods (*ruta [et] caesa*) were normally held back from a sale. The "counselor's chair" was an attribute of a jurist who offered legal advice to others (also mentioned in 2.143).

¹⁹⁵See note 191 at 2.225.

¹⁹⁶See 2.45 (with note 30), where Antonius quotes from the same speech (from 92 BC).

¹⁹⁷See 2.221 above.

witness, when people seem readily disposed to listen to him. The witty things we say when provoked are in general more acceptable than those we say of our own accord, since in retort a greater quickness of mind is apparent, and retorting is only human. For it suggests that we would have kept quiet if we hadn't been provoked. Take for instance our friend here, in the public meeting that you mentioned¹⁹⁸: virtually everything he said that seemed even a bit funny was a retort to some challenge. And indeed Domitius had such authority and such prestige that it seemed that his allegations had to be made light of through a humorous approach, rather than demolished by energetic rebuttal." 230

Then Sulpicius spoke up. "How about it? Though Caesar grants pre-eminence in wit to Crassus, he still expends much greater effort in this area himself. So, are we going to let him get away without giving us an account of the nature and sources of humor in all its aspects, especially since he admits that wit and humor are so powerful and useful?" "What if I agree with Antonius when he says that there is no art of wit?" said Caesar. Sulpicius had no reply to this. But Crassus said, "As if there is any art for the very subjects about which Antonius has now been talking for quite some time! As he has said himself,¹⁹⁹ there is some sort of observation of what is effective in speaking; but if this could make people eloquent, then everybody would be eloquent. For who would not be able to master this easily, or at least in some way or other? But in my view, such rules are powerful and useful, not because art can lead us to discover what to say, but because, when we have learned a proper point of reference, rules may assure us of the soundness, or make us see the weakness, of whatever we accomplish by means of our own natural ability, our enthusiasm, and our training. For this reason, Caesar, I am also asking you, if you don't mind, to give us your views about every aspect of humor, so that no part of oratory—since this is what you wanted—might seem to have been passed over in a gathering such as this, and in such a carefully articulated conversation." 231 232 233

"Well, Crassus," Caesar reacted, "since you are asking a dinner guest for his contribution,²⁰⁰ I shall certainly not fail to comply, for that would give you an excuse for refusing yours. Though I must say I am often surprised at the shamelessness of people who go on stage while Roscius²⁰¹ is watching. For who can make any move without Roscius noticing his faults? In the same way, while Crassus is listening, I am now for the first time going to discuss witticisms, like the proverbial pig teaching,²⁰² in this case, the ora-

¹⁹⁸See 2.227 above.

¹⁹⁹In 2.32.

²⁰⁰Caesar here implies that they are at a dinner party to which each of the guests is supposed to make a contribution.

²⁰¹Roscius was one of the greatest actors of Cicero's time; see Index.

²⁰²The complete saying was, "a pig teaching Minerva," Minerva being the goddess of wisdom.

234 tor about whom Catulus, having heard him speak, recently said that all others should go and eat hay." "Catulus was just joking," replied Crassus, "especially since his own way of speaking makes you think he deserves to be eating ambrosia.²⁰³ But let us hear you, Caesar, so that we can see the rest of what Antonius has to offer." "Actually, there are very few things left for me to tell you," Antonius said. "Nevertheless, I am already tired out now by my labor and the toilsome journey of my discussion, so I will take my rest in what Caesar has to say, as if in a most welcome roadside inn." "Very well," said Caesar, "but you will find my hospitality none too generous. For I will push you out as soon as you have eaten just a bite, and throw you out onto the road.

235–236 *Five questions; brief treatment of the first three*

235 "So let me delay you no longer, and very briefly explain my views about this subject in all its aspects. Regarding laughter, there are five questions to be considered. First, what is its nature? Second, what is its source? Third, should an orator want to stir up laughter? Fourth, to what extent? Fifth, into what categories can the humorous be divided? As to the first question, what laughter actually is, how it is excited, where it resides,²⁰⁴ how it wells up and bursts forth so suddenly that we cannot check it even if we want to, and how it takes hold of our sides, our mouth, our cheeks, our eyes, and our whole face at the same time—let Democritus²⁰⁵ see to this. It does not concern our present conversation and, even if it did, I would still not be ashamed to admit that I am ignorant of what even the people who claim

236 to understand it do not know. The seat, the region, so to speak, of the humorous—for this is the next question—lies in a certain dishonorableness and ugliness. For the only, or at least the most important way of making people laugh is to point out and mark something dishonorable in a way that is not itself dishonorable. Next, to come to the third point, it is indeed clearly fitting for the orator to stir up laughter, either because cheerfulness by itself wins goodwill for the one who has excited it; or because everyone admires cleverness (often a matter of just one word!), especially of someone who gives a retort, and not infrequently also of someone who provokes another; or because laughter crushes the opponent, obstructs him, makes light of him, discourages him, defeats him; or because it shows the orator himself to be refined, to be educated, to be well bred; and especially because it soothes and relaxes sternness and severity, and often, by joking and laughter, dismisses offensive matters that are not easily refuted by arguments.

²⁰³ Ambrosia was the food of the gods.

²⁰⁴ I.e., in what part of the body does laughter arise.

²⁰⁵ He was known as "the laughing philosopher," and being a natural philosopher, he might also be expected to explain such phenomena.

237–247 *The fourth question: to what extent must the humorous be employed?*

“Next, to what extent the orator should employ the humorous must be considered with the utmost diligence; this is the topic that we have put fourth in our series of questions. Neither conspicuous wickedness that is linked with crime, nor, on the other hand, conspicuous misery makes people laugh when it is ridiculed. Our audience wants villains to be wounded by a weapon more forceful than humor, and do not want the miserable to be mocked, unless they happen to behave arrogantly. Moreover, one should be particularly considerate when the audience holds someone in high esteem, and not rashly lash out at those who are loved. It is, then, especially important to practice this last-mentioned kind of restraint when you are joking. So, the things easiest to make fun of are those that deserve neither great hatred nor exceptional pity. For this reason, the entire subject matter of the humorous consists of defects found in the lives of people who are neither well esteemed nor wretched nor give the impression that some crime has earned them immediate punishment. Such faults, if ridiculed in a neat sort of way, will not fail to make people laugh. Ugliness and bodily defects are also rather neat subject matter for joking, but here we are asking exactly the same question that we must above all else ask in other matters also: to what extent should we use such things? In this regard, let us not just prescribe that you shouldn’t say anything insipid—the orator must also avoid two kinds of jokes, even if they would be extremely funny: namely, the sort that buffoons make and those of mimes.²⁰⁶

“It will soon be easier to understand what sort of jokes these are, when we have turned our attention to the actual types of the humorous.²⁰⁷ For there are two types of witticisms, one of which works through content, the other through sayings. Through content, whenever something like an anecdote is told, such as you, Crassus, once used against Memmius.²⁰⁸ You said that he had swallowed Largus’ arm when the two were in a fight over a mis-

²⁰⁶At this time, the mime was a popular, but crude, subliterate genre of drama, aiming at realism and based on trivial plots. (At the end of the performance, the actresses often stripped.) Only later in the first century BC did it become more popular among the ruling class, though it retained its general characteristics.

²⁰⁷Starting in 2.237, Caesar has been discussing the fourth of the questions posed in 2.235, viz., “to what extent should the orator employ the humorous.” In order to clarify this question further, he now returns to the preliminary categories described in 2.218–222: “banter,” evident in longer passages, and “sharp-wittedness,” characterized by short, pointed “sayings.” Note, then, that the treatment of the fifth and last of the questions formulated in 2.235, that of the actual categories of the humorous, does not yet begin here. Caesar will turn to that question in 2.248; the categories posited there are actually different from those used here. (For this analysis of the structure, see Pinkster 1995, in modification of LPR: 179.)

²⁰⁸Memmius was known for his fierce character. The occasion for Crassus’ joke is unknown.

tress at Tarracina. A witty story, but just the same, you had entirely fabricated it yourself. To round it off, you added that the letters M M L L L were written on the walls all over Tarracina at that time, and that when you asked what they stood for, one of the old locals told you, 'Mordacious Memmius lacerates Largus' limb.'²⁰⁹ You can see how witty, how refined, and how fitting for the orator this type of humor is, whether you have a true story to tell—which should still be spiced with little lies—or whether you are fabricating one. The good thing about this type is that you describe the actions in such a way, that the character, the manner of speaking, and all the facial expressions of the person about whom you are telling the story are portrayed so that it seems to the audience that all actions and events are taking place right there and then. A kind of humor that likewise resides in content is the one based on an imitation that amounts to caricature. An example, again from Crassus, is when he exclaimed²¹⁰: 'By your Nobility, by your family!' It was surely only his imitation of features and voice that set the whole public meeting laughing. But when he said, 'By your statues,' and with arm stretched out, also added an element of gesture, we roared with laughter even more. Roscius' well-known imitation of an old man²¹¹ belongs to this class:

'It is for you that I am planting these trees, Antiphon,' he says—and what I hear speaking is gloomy old age.

Now while this whole category is humorous in itself, it must be handled with the greatest caution. For taking imitation too far, just like being obscene, is something that actors in mimes and mimics do. The orator should employ imitation slyly, so that the hearer imagines more than he actually sees. In addition, the orator must give proof of his own good manners and modesty by avoiding dishonorable words and obscene subjects. These two cat-

²⁰⁹In Latin, the letters that Crassus said were written on every wall of the town were LLLMM. They may have stood for a real election slogan, the precise meaning of which is obscure to us (this possibility is, we think, wrongly rejected by LPR). Alternatively, this part of the story may also have been invented, and, in that case, what may have made this half-credible and funny is that this combination resembles LLM (= *laetus libens merito*, "gladly, willingly, and since it was deserved"), a well-known formula used in votive inscriptions (e.g., a description recording that X rebuilt a temple, would state that he did so "LLM").

²¹⁰The reference is almost certainly to Crassus' speech against Domitius Ahenobarbus, his fellow censor (also mentioned by Caesar in 2.227). Domitius was obviously very proud of his noble lineage; at the same time, the family of the Domitii Ahenobarbi seems to have been small, because of the small number of children that each member had.

²¹¹The line is spoken by a young man, who imitates his old father (who, while planting trees, complains that they will not benefit him, but only his son). The young man was obviously one of the well-known parts played by Roscius. The line is probably from Caecilius' comedy *Synephebi* (see LPR; not in ROL, but cf. Caecilius, line 200 there).

egories, then, belong to the type of humor that depends on content. They are peculiar to the witticisms of the continuous kind, in which the characters of individuals are described and molded in such a way, that the telling of a story makes it clear what sort of people they are, or the insertion of a brief imitation reveals that they have a conspicuous fault that will make the audience laugh.

"Humor residing in sayings, on the other hand, is brought about by some clever point in word or thought. But just as we must, in the case of the previous type (stories and imitations), avoid behaving like mimics and actors in mimes, so in using this type, the orator must at all cost avoid sharp-wittedness of the buffoonish kind. But how are we actually going to distinguish your friend Granius, or mine Vargulla, from Crassus, from Catulus, and from the others?²¹² Really, I at least cannot seem to think of a way to do it. For they are indeed sharp-witted, certainly no one more so than Granius. I guess the first point is this: we should not consider it necessary to utter a witty saying every time an opportunity is offered. A very tiny witness came forward. Philippus asked, 'May I question him?' The president of the court, being in a hurry, replied, 'Provided you keep it short.' Philippus answered, 'You will have no cause for complaint. I will be questioning just a tiny bit.' Humorous, to be sure, but one of the jurors was Lucius Aurifex, who was even shorter than the witness, and all laughter was directed toward the juror. So, the humor was considered to be totally buffoonish. Such jokes, therefore, which can be applied to the wrong people, neat as they may be, are still by nature buffoonish. Just like this man who wants to be sharp-witted (and surely is), Appius (but he sometimes falls into this mistake of buffoonery). 'I will come and have dinner with you,' he said to my friend Gaius Sextius, who has lost one of his eyes, 'for I see you have room for one.' This is buffoonery because he attacked him without good reason, and, apart from that, what he said was applicable to all one-eyed people. Such jokes are less funny, since they give the impression of being premeditated. Sextius' reply, given on the spur of the moment, was outstanding: 'Wash your hands,' he said, 'then come to dinner.'²¹³

"So the practice of taking the occasion into account, and restraint and moderation when we are actually employing our sharp-wittedness, together with economy in our use of witty sayings will distinguish the orator from the buffoon; as also will the fact that we orators utter them for a specific reason, that is, not to seem funny, but to achieve something, while buffoons go on all day without any reason at all. For instance, what good did it do Vargulla, when he was embraced by Aulus Sempronius, who was campaigning, and by Aulus' brother Marcus, to cry, 'Boy, shoo these flies!'²¹⁴ He

²¹²Granius was a *praeco* ("herald"), that is, one of the people who functioned as public announcers or auctioneers. Of Vargulla (also mentioned in 2.247 below), nothing more is known.

²¹³The hands of thieves, frauds, etc., were said to be dirty.

²¹⁴The family of the brothers carried the additional name (the cognomen) *Musca*, "Fly." Vargullus addressed the slave who accompanied him.

wanted a laugh, to my mind altogether the most meager profit our talents can yield. Our good sense, then, and our dignity will restrain us, and determine when we can utter witticisms. I only wish we had an art that could teach us these qualities; but we are ruled by our nature.

248–252 *The fifth question: the categories
of the humorous*

- 248 “Then let us now describe, in broad outline, the actual categories of things that are most effective in stirring up laughter.²¹⁵ Our first division, then, shall be this: every witty utterance derives its wit sometimes from the content, sometimes from the words; but people particularly enjoy it whenever a laugh is stirred up by a combination of content and words. You should remember, however, that each and every commonplace that I may touch upon as a source for the humorous can, generally speaking, also serve as a source for serious thoughts. The only difference is that seriousness depends on matters that are honorable and earnest, joking on things that are a bit dishonorable and, in a sense, ugly. For instance, we can use the same words for praising a slave who is deserving, and for ridiculing one if he is bad. The old saying of Nero’s about a thievish slave is humorous: ‘he is the only one against whom nothing in the house is sealed or locked’; the same thing is usually said about a good slave. In this example, however, even the words are the same in each case; but in general, both the serious and the humorous
- 249 arise from the same commonplaces. For example, Spurius Carvilius had a severe limp on account of an injury incurred in the service of the State, and was ashamed to go out in public because of that. His mother said to him, ‘Why not go out, my Spurius? And with every step you take, you shall be reminded of your bravery!’ This is splendid and serious. On the other hand, consider what Glaucia said to Calvinus, who also had a limp: ‘What about that old expression, “Surely he is not stumbling!”—but this man stumbles all the time.’²¹⁶ That is funny. And yet both remarks were derived from what one can observe about limping. Scipio’s remark, ‘What can be more knavish than this Naevius?’, was meant seriously. But what Philippus said against someone with a bad case of body odor, ‘I see that you are prosecuting me by unaided means,’²¹⁷ was rather funny. Yet both the serious and the humorous are here based on a resemblance between two words that differ
- 250 in only one letter. Sayings that depend on ambiguity, though they are perhaps considered the most ingenious of all, are not invariably used in joking,

²¹⁵Here begins Caesar’s discussion of the fifth and last question formulated in 2.235, that of the actual categories of the humorous (see note 207 at 2.239).

²¹⁶The “old expression” seems to refer to political steadfastness; but in the second half, the phrase “but this man stumbles all the time” is meant literally.

²¹⁷The verb in this joke, *circumveniri*, means “to be prosecuted or convicted by unfair means, to be framed”; the joke may be that it sounded like *hircum-veniri* (*hircus* = “he-goat”), a pun approximated in our version, with “unaided” for “unfair.”

but often in serious matters as well. Scipio the Elder was trying to adjust a garland on his head at a banquet, but it broke a few times, and Publius Licinius Varus said, 'Don't be surprised if it doesn't fit, for this is a great head.' This remark bestowed praise and honor. But the following is from the same category: 'What Calvus says is quite enough: he says too little.'²¹⁸ In short, there is no category of jokes that is not also a source for earnest and serious thoughts.

"We must also take note of the fact that not everything that is funny is also witty. Surely, nothing is so funny as a clown? But we laugh at him because of his face, his grimaces, his mimicking movements, his voice, in sum, because of his entire physical appearance. I could say that he is witty, not in the way I would have an orator be witty, but in the way that an actor in a mime is. Thus, this first kind of wit, which is quite effective in stirring up laughter, is not for us. It is peevish, superstitious, suspicious, boastful, and stupid. Such characters themselves are ridiculous, and we usually mock such types, we do not play their part. Another kind consists in imitation, and this is quite funny. But we may only use it secretly, if at all, and in passing; otherwise, it does not at all befit a well-bred person. A third kind is distortion of the face, which is beneath our dignity. A fourth kind, obscenity, is not only unfit for the dignity of the forum, but barely acceptable among well-bred people at a dinner party. When we thus eliminate all these many types from the sphere of the orator, the witticisms that remain are those that, according to my earlier division,²¹⁹ appear to depend either on content or on words. A joke is based on content, if it remains witty no matter what words you use to express it; one that loses its bite when the words are changed owes all of its humor to the words.

253–263 *Jokes depending on words*

"Ambiguous remarks are especially clever, and they depend on words, not on content. They seldom, however, provoke much laughter; rather, they are praised as neat and erudite sayings. For instance, the joke about Titius, the avid ball player, who was also suspected of breaking sacred statues at night. When he failed to appear at the Campus Martius,²²⁰ and his cronies were asking about him, Terentius Vespa excused him, saying that Titius claimed to have broken an arm. Or, for instance, what Scipio said, as we can read it in Lucilius:

'What about Decius? Want to pierce the little nut?' he said.²²¹

²¹⁸This joke is unclear. There is possibly a pun on the name Calvus, "Bald."

²¹⁹See 2.248.

²²⁰The place where people gathered for sport and exercise (cf. Index).

²²¹The nature of the ambiguity is unclear, so the joke is obscure; it was probably indecent, since Decius openly prostituted himself (the line is 1135 ROL [= 1280 Marx]).

Or again, as your friend Granius said, Crassus: 'He is certainly not worth a penny.'²²² And, if you ask me, someone with a reputation for sharp-wittedness will be particularly good at this type of humor; but other types provoke more laughter. Ambiguous remarks, it is true, are quite highly esteemed in themselves, as I said before, since it seems a sign of cleverness to be able to give a word a meaning that no one else gives it; but this excites admiration rather than laughter, unless it happens to coincide with some other category of humor. Of course, I will discuss these categories briefly, but you already know that the most familiar one is when we expect to hear one thing, but another is said. When this happens, our own error makes us laugh. But if an ambiguity is added to this, it becomes more witty. For example, the bystander in Novius' play²²³ appears to be taking pity on a condemned debtor who is being led away. He asks, 'For how much has he been handed over?'²²⁴ 'A thousand sesterces.' Had the man just gone on to say, 'You may take him away,' it would have been an example of humor of the unexpected type. But because he continued, 'I won't add anything to that, you may take him away,' adding an ambiguity,²²⁵ he was, at least in my opinion, extremely witty. This kind of thing is most delightful when two pleaders are debating and one of them picks up a provocative word from his opponent and uses it in retaliation against his attacker, as Catulus did to Philippus.²²⁶ But there are many kinds of ambiguity, and some rather detailed teaching exists about them,²²⁷ so we will have to be attentive and on the lookout for words. And if we do so, even if we avoid jokes that are too feeble—for we must be careful that our witty sayings are not thought to be farfetched—, we can still make many clever remarks.

"There is another category, which involves a slight alteration of a word; when this depends on a change of a letter,²²⁸ the Greeks call it 'paronoma-

²²²This can mean "he is certainly worth more than a penny" (probably the ostensible meaning), or "he is not (even) worth a penny."

²²³Novius (early first century BC) wrote so-called Atellan farces (*fabulae Atellanae*), short, low-life comedies with stock characters, a genre to which he (as well as his near-contemporary Pomponius) gave a more literary form. In the Latin, the exchange makes up one line of verse (a trochaic septenarius). The quotation is line 115 in Ribbeck 1898: 330.

²²⁴When a man was condemned to pay back a debt and could not do so within thirty days, the creditor could again bring a suit. If convicted, the debtor was then handed over into custody to the creditor. This could, however, be avoided if someone else was willing to pay instead of him; that is what the bystander here suggests he has in mind.

²²⁵"I won't add anything to that" may mean "I won't say any more," or "I won't raise my bid" (implying that the fellow isn't even worth as much).

²²⁶See 2.220.

²²⁷Cf. 2.111.

²²⁸In our translation of the examples, a change of more than one letter is involved.

sia.' For example, when Cato called 'Mr. Noble,' 'Mr. Mobile.'²²⁹ Or when the same Cato said to a certain fellow, 'Let's take a walk too,' and the man asked, 'What need do you have for the "too"?' 'No, really,' Cato retorted, 'what need do I have for you?' Or again, his well-known wager,²³⁰ 'If you are immoral, both orally and anally.'

"Also, the interpretation of a name has cleverness in it, when you make a joke out of the reason someone bears the name that he does, as I did recently. I said that just as Neoptolemus received his name at Troy, so did Nummius, the bribery agent, receive his in the Campus Martius.²³¹ All these witticisms are based on words.

257

"Also, a line of verse can often be humorously inserted (either as it is or altered a little), or part of a verse. For example, when Scaurus gave vent to his exasperation by quoting this verse of Caecilius—some people claim, Crassus, that the idea for your law on citizenship was born on this occasion²³²:

Hush, be quiet! What's all this shouting? Those who have neither mother nor father,

How can they have such confidence? Put aside then that arrogance of yours.

And, Antonius, the quotation that you used in dealing with Coelius was even quite beneficial to your case. He had a rather pleasure-loving son, and when he had testified that he had parted with some money, you said, as he was leaving the witness stand:

You see th'old man's been tapped for thirty minae?²³³

²²⁹The Latin name is *Nobilior* (and Cato called him *mobilior*); the person involved was probably Marcus Fulvius Nobilior, or possibly his son Quintus. Cato appears to have been criticizing Nobilior for the un-Roman quality of being fickle, i.e., "mobile."

²³⁰A *sponsio* ("wager, pledge") was an official challenge, in which someone offered to pay a certain sum of money if an assertion was proven false.

²³¹Pyrrhus, son of Achilles, received the name Neoptolemus ("Young in War") because he came to Troy to fight in the war at such an early age. Nummius received his name for his work in the Campus Martius, the site of the elections in Rome (*nummus* means "coin" or "money" in Latin). The occasion is unknown.

²³²Scaurus was obviously addressing a crowd of Italians, who loudly demanded Roman citizenship (but whose fathers and mothers were not Roman). The issue of citizenship for the Italians became more and more important in the 90s BC, and gave rise to the War with the Allies, which started in late 91. The law mentioned here (the *Lex Licinia Mucia de redigundis civibus*), carried in 95 by the consuls Crassus and Scaevola, instituted a court for bringing those to trial who were illegally usurping Roman citizenship. The title of Caecilius' play is unknown.

²³³Apparently, Antonius or his client in this case had been charged with bribery (at elections or in a court case), and Coelius testified that he had supplied funds for the bribery through his son. With the verse (the author of which is unknown), Antonius implied that the son used the bribery as a pretext, and had squandered the money.

258 Proverbial expressions also are classified in this category, such as the one Scipio used when Asellus ("Mr. Ass") was boasting that, during his military service, he had traveled through all the provinces: 'You'll have to drive your ass,' and so on.²³⁴ For this reason, because these jokes cannot preserve their charm if their words are changed, they should also be considered as dependent on words, not content.

259 "There is also another category dependent on words, and not lacking in wit, that is based on giving the impression that you take something literally rather than in the sense intended. *The Guardian*, that old and extremely funny mime,²³⁵ is entirely built on this type of humor. But I will leave the subject of mimes—I merely wanted this type to be illustrated by a conspicuous and well-known example. To this category also belongs the reply that you, Crassus, recently gave to the man who asked you whether he would disturb you, if he were to call on you well before dawn.²³⁶ 'No,' you said, 'you will not disturb me.' 'So you will leave orders for your servants to wake you?' he asked. And you answered, 'Surely I said that you would not disturb me.'²³⁷

260 Of this same sort is the old joke that they say Marcus Scipio Maluginensis made at the consular elections, when announcing that the vote of his century was for Lucius Manlius Acidinus.²³⁸ The herald pronounced the formula, 'Your report on Lucius Manlius?,' and Scipio replied, 'He is a good man, I think, and an outstanding citizen.' The remark that Lucius Nasica made to Cato, when the latter was censor, is also humorous. When Cato inquired of him, 'Do you know to your satisfaction that you are a married man?,' Nasica replied, 'On my word, not to my satisfaction!'²³⁹ Such jokes

²³⁴As censor, Scipio the Younger attempted to demote Asellus from the rank of *equus*; this action took the form of "confiscating his public horse." When Asellus protested that he had traveled widely in the service of his country, Scipio retorted with the proverb "You'll have to drive an ass, if you cannot drive an ox," implying "Well, you may now ride your ass, since you have no horse anymore." From 2.268 below, it appears that Scipio's colleague Mummius prevented the demotion: on such measures, the two censors had to be in agreement. (Other, equally plausible explanations of the joke are available; see LPR.)

²³⁵On this genre, see note 206 at 2.239. *The Guardian* (Tutor) is otherwise unknown to us.

²³⁶The man was obviously a client. It was customary for clients to call on their *patroni* at dawn, but this man wanted to come earlier.

²³⁷That is, he will not disturb Crassus, because the latter will not get up to meet him: Crassus has taken the question whether he will be disturbed literally.

²³⁸These were the elections for the consulate of 179 BC. Voting was then oral (a practice maintained until the introduction in 139 BC of the secret written ballot for elections), and conducted by century (voting unit). The so-called *rogator* (here Scipio Maluginensis) asked for and recorded the votes for each candidate, and then reported to the *praeco* (public announcer, "herald").

²³⁹The censors, in drawing up the list of citizens, also registered whether or not they were married; for this purpose, they asked each citizen the formulaic question that Cato asked Nasica. It appears from Gellius 4.20.1–6 (who relates the anecdote without mentioning names) that Cato regarded the joke as so inappropriate to the solemn occasion that (in his function as censor) he demoted Nasica to the lowest citizen class (or attempted to demote him; cf. the case in 2.258).

are either feeble or witty, but witty only when made contrary to expectation. For, as I said earlier,²⁴⁰ our error gives us a natural sort of delight; so when we have, as it were, been deceived by our expectation, we laugh.

"Witticisms derived from allegory or from metaphor or from irony also reside in words."²⁴¹ An example based on allegory occurred when, a long time ago, Marcus Pinarius Rusca proposed a law on age qualifications.²⁴² Marcus Servilius, who opposed it, said, 'Tell me, Marcus Pinarius, if I speak against you, are you going to insult me, as you have the others?' 'As ye sow, so shall ye reap,' Pinarius replied. An example based on metaphor is the comment of Scipio the Elder, when the Corinthians promised to set up his statue where the statues of other generals stood; he said that he didn't like being a member of a squadron. Irony occurs in instances like the one when Crassus was speaking on behalf of Aculeo, with Marcus Perperna as the judge. One of the advocates pleading for Gratidianus against Aculeo was Lucius Aelius Lamia, who was disfigured, as you know. The fellow made a nuisance of himself by his interruptions, and Crassus said, 'Let's hear the pretty boy.' When the laughter had subsided, Lamia replied, 'I could not mold my bodily appearance myself, but I could mold my own talents.' So then Crassus said, 'Let's hear the accomplished speaker,' and the laughter was even more uproarious. 261 262

"The following kind is also delightful both when used in serious thoughts and in witticisms—for as I said earlier,²⁴³ while the subject matter of joking and of the serious are different, the system of their categories and commonplaces is the same. Well then, among the chief features that give our speeches distinction are words used in antithesis, and this category is often witty as well.²⁴⁴ For instance, when Servius Galba kept proposing his own friends as judges to Lucius Scribonius Libo (who was tribune of the plebs),²⁴⁵ 263

²⁴⁰See 2.255.

²⁴¹In Latin, these three categories are (1) *ex immutata oratione*, "from altered speech"; this (or *immutatio*, used in the sequel) does not occur elsewhere in this sense, but may have been in restricted use as a technical term (cf. *Rhetoric for Herennius* 4.46, *permutatio*); (2) *ex unius verbi translatione*, "from the transfer of one word" (the main difference between (1) and (2) is that the former concerns more words ["speech"], the latter just one); (3) *ex inversione verborum*, "from the inversion of words." The descriptions for (2) and (3) are paralleled elsewhere, and therefore belonged to the technical vocabulary of rhetoric (see LPR for details).

²⁴²Such laws (*leges annales*) dealt with the qualifications for the main magistracies, especially the minimum age at which each could be held or sought (cf. Glossary at "magistracies" for the rules in Cicero's time). Nothing specific about the proposal mentioned here, however, is known (e.g., it may or may not have been carried); it probably belongs in the early second century BC.

²⁴³See 2.248–250.

²⁴⁴The "features that give our speeches distinction" are the so-called figures of speech, which are normally used in the "serious" portions of a speech.

²⁴⁵In a civil case to be heard by a single judge (see note 128 at 1.173), the plaintiff could propose a judge, which the other party could then reject. Obviously, Galba proposed several names, all of which were rejected.

and Libo asked, 'When, Galba, will you at last leave your own dining room?', Galba replied, 'As soon as you leave other people's bedrooms.' Actually, what Glaucia said to Metellus is not much different from this category²⁴⁶: 'You have a country villa at Tibur, but a whole barnyard on the Palatine.'²⁴⁷

264–287 *Jokes depending on content*

264 "I believe that I have covered the categories of witticisms as far as they depend on words. Those dependent on content are more numerous, and, as I said earlier,²⁴⁸ people laugh at them more readily. One of them is telling a story, and this is quite difficult. For you must describe and place before the audience's eyes such things as are both plausible (one of the requirements of a story)²⁴⁹ and somewhat dishonorable (one of the requirements of humor). For brevity's sake, Crassus' story about Memmius that I cited earlier²⁵⁰ may serve as an example. And let us also assign fables to this category.

265 "Material can also be drawn from history, as when Sextus Titius said that he was a Cassandra.²⁵¹ 'Yes, indeed,' commented Antonius, 'I could name many men who have been Ajax, son of Oileus, to you.'²⁵²

"Humor is also drawn from similarity. This involves either a comparison or something like a portrait; a comparison, as in what Gallus once said when he was testifying against Piso. When he had asserted that Piso's prefect Magius had been given an enormous sum of money, and Scaurus countered this statement by appealing to Magius' poverty, Gallus said, 'You are wrong, Scaurus. I am not claiming that Magius kept the money, but that,

²⁴⁶The difference between the two seems to be that here the antithesis is contained in one utterance, whereas in the former case it is made up of challenge and retort.

²⁴⁷*Cohors* (here translated "barnyard") can also mean "group, entourage," and here refers to the "herd" of clients that crowded Metellus' house on the Palatine (the most expensive district in Rome). Glaucia suggests that this "barnyard" more properly belongs in Metellus' estate in Tibur (a fashionable place, where many Romans had villas).

²⁴⁸Caesar has not said this in exactly these words, but see 2.253–254.

²⁴⁹The Latin word here translated "story" (*narratio*) is also used for the narration, one of the traditional parts of the speech (see Introduction, p. 29). One of the requirements for the latter was plausibility; see e.g. 2.80, where Antonius reports the standard precepts.

²⁵⁰See 2.240.

²⁵¹Because no one heeded his warnings, just as no one believed the prophecies of Cassandra, daughter of the Trojan king Priam; e.g., she warned the Trojans in vain against the fate that Paris was going to bring on the city, and against the danger of the Wooden Horse.

²⁵²After the fall of Troy, this Ajax (to be distinguished from the better-known son of Telamon, who committed suicide) raped Cassandra. The example may be taken from Antonius' testimony against Titius mentioned in 2.48.

like a naked man collecting nuts, he absconded with it in his belly.²⁵³ Another example is the remark of the elder Marcus Cicero, the father of our outstanding friend²⁵⁴: 'Our Romans are like the Syrian slaves that are put up for sale: the better they know Greek, the more worthless they are.' Presenting portraits is also terribly funny. They are, as a rule, applied to ugliness or to a particular bodily defect, while likening it to something still more deformed. For example, I said to Helvius Mancianus, 'Now I'll show you what you are like.' When he replied, 'Please do,' I pointed at the picture of a Gaul on one of the Gallic shields captured in Marius' famous battle, which was hanging next to the New Shops: a distorted figure, with tongue sticking out and flabby cheeks. People laughed, for this looked more like Mancianus than anything.²⁵⁵ Or again, when I said to Pinarius, who was testifying and who kept contorting his jaw when speaking, that he could say something if he wanted to—if he had finished cracking his nut.

"There are also the phrases that surprise us because they are, for the sake of amplification or diminution, exaggerated beyond belief. For example, what you, Crassus, said about Memmius in a public meeting: "he thinks he is so high up that, when coming into the forum, he ducks his head under Fabius' arch."²⁵⁶ In this category also belongs the comment reportedly made by Scipio at Numantia, when he was exasperated with Gaius Metellus: 'If his mother had given birth a fifth time, she would have borne an ass.'²⁵⁷

"What is also ingenious is insinuation,²⁵⁸ in which a small detail, often a single word, throws light on an unclear and hidden situation. For instance,

²⁵³The idea is that of a man wearing no clothes, who has nowhere to put the nuts he is gathering, and can only eat them. It seems likely that this is based on some proverb or story, unknown to us. The trial against Piso was apparently for extortion in a province, Magius being his provincial prefect. The role of Scaurus in the trial is unknown; he may have defended Piso.

²⁵⁴The "outstanding friend" is our author's father; the elder Marcus Cicero is his grandfather.

²⁵⁵The case at which this happened is unknown. The battle mentioned is the one of 101 BC at Vercellae, where Marius (who was consul) and Catulus (consul in 102), having joined forces, crushed the Gauls (or Cimbri). The "New Shops" (*Novae Tabernae*) were at the north side of the forum, deriving their name from their rebuilding after a fire in 210 BC.

²⁵⁶This honorific arch was erected on the so-called *Via Sacra* ("Sacred Way") at the east side of the forum by Q. Fabius Maximus Allobrogicus, to commemorate his victory over the Gallic tribe of the Allobroges in 121 BC, when he was consul. It was the first arch of this kind in or near the forum. The occasion for Crassus' joke is uncertain.

²⁵⁷C. Caecilius Metellus Caprarius was the youngest of four brothers, and each was apparently more dull-witted than his predecessor. The incident took place in 134–133 BC, when Scipio besieged Numantia.

²⁵⁸In the Latin, Caesar uses *significatio*, which is the technical rhetorical term (corresponding to Greek *emphasis*) for a figure of speech "which leaves more to be suspected than has been actually asserted" (*Rhetoric for Herennius* 4.67; also mentioned in *De oratore* 3.202).

Publius Cornelius had a reputation for greed and thievishness, but also for being an extraordinarily brave and able general. He thanked Gaius Fabricius for giving him his vote in the consular elections, despite being his enemy, and that too when there was an important and difficult war going on. "No need to thank me," Fabricius said, "for preferring to be pillaged rather than sold."²⁵⁹ Another example is Scipio's reply to Asellus, who reproached Scipio for the ill-fated period of his censorship²⁶⁰ 'What else do you expect?,' he said, 'for the man who concluded the census by sacrificing the bull was the one who had saved you from demotion.'²⁶¹

269 "Irony,"²⁶² that is, saying something different from what you think, is also elegant and witty. I don't mean the kind I mentioned earlier, saying the exact opposite (as Crassus did to Lamia²⁶³), but being mock-serious in your whole manner of speaking, while thinking something different from what you are saying. Like our friend Scaevola²⁶⁴ did when dealing with Septumuleius from Anagnia, who, in exchange for the head of Gaius Gracchus, had received its weight in gold. When Septumuleius asked Scaevola to take him along to the province of Asia as his prefect, Scaevola responded, 'What do you want, you madman? There is such an enormous crowd of wicked citizens that I'm telling you, if you stay in Rome, you will come into vast sums of money within just a few years.' Fannius says in his *Annals* that Scipio (the younger one, Aemilianus) engaged in this type of humor, and he calls him (using the Greek word) 'ironic.' But like those who have a better knowledge of such things, I think that Socrates by his refined wit far excelled all others in this 'irony,' this dissembling.²⁶⁵ This is a thoroughly ele-

270

²⁵⁹"Sold," viz., sold into slavery by the enemy after a defeat. The incident occurred in 291 or 278 BC, since Cornelius was consul both in 290 and in 277.

²⁶⁰Here meaning the period after the census was closed but before the next censors were in office (censors were elected every five years, but held office for only eighteen months, when one of them "concluded the census" by a sacrifice). The period may have been ill-fated because of a famine, mentioned in some late sources.

²⁶¹See 2.258 with note 234. Scipio suggests that his colleague Mummius, who performed the sacrifice, had become impure by supporting Asellus, thus making the sacrifice unacceptable to the gods and causing the misfortune of the subsequent period.

²⁶²The Latin here has *dissimulatio* (meaning "dissimulation," "feigned ignorance," and thus "irony"). In 2.270 below, the Greek word "irony" (*εἰρωνεία*) is mentioned, together with a slightly different Latin word, *dissimulantia*, which we have there translated by "dissembling."

²⁶³Cf. above 2.262.

²⁶⁴The Scaevola meant here is the interlocutor of the first book. This story belongs just before his praetorship in Asia of 120 BC, and not long after the demise of Gaius Gracchus and his followers in 121, when Septumuleius presented Gaius Gracchus' head to the consul Opimius, who had promised the reward mentioned here. Septumuleius probably wanted to join Scaevola as *praefectus fabrum*, a position that could bring in much money.

²⁶⁵See note 262 above.

gant type, combining wit with seriousness, and it is appropriate both for public speaking and for urbane conversation.²⁶⁶ And really, all of the things that I am mentioning in my discussion about humor are seasonings suited for all conversations no less than for legal procedures in the forum. There is a remark we read in Cato (who recorded many, several of which I am citing as examples) that is, I think, quite well put: Gaius Publicius used to say that Publius Mummius was ‘a man for all seasons’; and it is indeed true that there is no occasion in our lives where refined wit may not fittingly play a role. But let me return to the remaining points.

“A type of witticism closely related to this irony is the one of calling something disgraceful by an honorable name. For instance, Scipio, as censor, removed a centurion from his tribe who had been absent at the battle fought under Paullus.²⁶⁷ When the man asserted that he had remained in the camp in order to guard it and asked why he was marked for demotion, Scipio responded, ‘I don’t like people who are too diligent.’ It is also clever to take something said by someone else in a way that is different from what he intends, as Quintus Fabius Maximus did with Livius Salinator. After the fall of Tarentum, Livius had still controlled the citadel and had fought several heroic battles from it. Several years later, when Maximus had recaptured the town,²⁶⁸ and Livius asked him to remember that it was thanks to him that Tarentum had been recaptured, Maximus responded, ‘How could I not remember? For I would never have recaptured it if you hadn’t lost it.’ There are also remarks that are rather absurd, but often humorous for that very reason. They are not only quite appropriate for actors in mimes,²⁶⁹ but also to some extent for us orators. For example:

Such a silly man: just when he comes into some money, he dies!

or,

A: What’s your relation to this woman? B: She’s my wife. A: Yes of course, she looks just like you!

or,

As long as he was at the waters, he never once died.

²⁶⁶On the topic of such conversation, see already 1.32, 35, 41.
²⁶⁷The battle is probably the famous battle at Pydna in 168 BC. Scipio was censor in 142–141. Removal from one’s tribe meant demotion to one of the four urban tribes (cf. note 30 at 1.38).
²⁶⁸Tarentum fell to the Carthaginians in 213 BC, and was recaptured in 209 by Quintus Fabius Maximus, the famous “Cunctator” (“Delayer”). The Livius involved was most probably M. Livius Macatus, not M. Livius Salinator as Cicero thought.
²⁶⁹On mimes, see note 206 at 2.239. The three following quotations are obviously from mimes (fragments V–VII in Ribbeck 1898: 377).

This kind of witticism is a bit trivial and, as I said, suitable for actors in mimes, but sometimes it is not completely out of place for us orators either. In that case, someone who is really no fool says something as if he were, in a humorous way. For example, when Mancina heard that you, Antonius, who were censor at that time, were charged by Marcus Duronius with election bribery, he remarked, 'At last you will have the opportunity to mind your own business.'²⁷⁰ People laugh pretty easily at such jokes, as they do, really, at everything rather absurd and witty that intelligent people say when they are being ironic. Seeming not to understand what you actually do also belongs to this category of irony. For instance, when asked the question, 'What do you think of a man who is caught in adultery?', Pontidius replied, 'That he is slow.' Another example is what I said to Metellus when he was levying troops. He refused to accept my excuse of poor eyesight, and asked, 'So you can see nothing at all?', and then I retorted, 'On the contrary, I can see your villa from the Esquiline Gate!'²⁷¹ Yet another example is the well-known joke of Nasica's. He came to the house of Ennius, the poet; standing at the door, he asked for Ennius, but the maid told him that he was not home; Nasica sensed that she said this on her master's order, and that Ennius was actually in. Then a few days later, when Ennius came to Nasica's house and asked for him at the door, Nasica shouted that he was not home. 'What's going on here?' Ennius asked, 'Do you think I don't recognize your voice?' And Nasica replied, 'You're shameless! I believed your maid when I asked for you and she said you were not home—and you do not believe me when I tell you the same thing personally?'

"It is also neat when the one who has made a joke is mocked by the same kind of joke that he made. For instance, Quintus Opimius, a former consul, who had had a bad reputation as a young man, said to a wit named Decius, who appeared to be rather effeminate, though he actually wasn't, 'Well now, Miss Decilla, when are you coming to visit me with your distaff and wool?' 'Oh dear, no,'" answered Decius, 'I don't dare. My mother told me not to mix with disreputable women.'

"Witty too are remarks that have a hint of humor below the surface. The joke of a certain Sicilian belongs to this category. When a friend complained to him, saying that his wife had hung herself from a fig tree, he said, 'Please, give me some cuttings from that tree that I can plant.' Of the same type is the remark that Catulus made to a certain bad orator. The fellow imagined that he had aroused pity during his epilogue, and when he sat down, he asked Catulus whether he indeed seemed to have aroused pity. 'Yes, and plenty of it,' answered Catulus, 'for I don't believe that anyone is so hard-hearted that he didn't think your speech pitiful.'

²⁷⁰A censor's actions were not always appreciated, as may be seen, e.g., from 2.258 (with 268); 272.

²⁷¹Probably Metellus' villa in Tibur mentioned in 2.263. It was obviously ostentatiously big, and Caesar says that even he can see it from one of the Roman gates, at a distance of about 17 miles. The levy was for the war with Jugurtha in 109 BC.

"But what I also really find extremely funny are ill-tempered jokes, remarks that are, in a way, a bit peevish (not when a peevish man makes them, for in that case we laugh not at his wit, but at his character). In this category, the following passage from Novius²⁷² is, in my opinion, quite witty: 279

A: Why are you crying, father?

B: Yes, how strange I'm not singing; I have just been condemned.

Almost the opposite of this type are tolerant and calm jokes, like Cato's, when he was bumped by someone carrying a trunk. When after the fact the fellow said to him, 'Look out!,' Cato asked him whether he was carrying anything else besides the trunk.

"Censuring stupidity is also witty. For example, in a legal case Scipio, as praetor, assigned his own host, a well-born but rather stupid man, as advocate to a Sicilian: 'Please, Mr. Praetor,' said the Sicilian, 'assign that advocate to my opponent, then you won't need to assign anyone to me.' 280

"Laughter is also provoked by conjectural explanations that are very different from the way the matter actually stands, but that are clever and elegant at the same time. For instance, when Aemilius Scaurus prosecuted Rutilius Rufus for bribery in the elections for the consulship, though he himself had won and Rutilius had lost, he pointed out the letters A.F.P.R. in Rutilius' account books.²⁷³ He said that they stood for 'Account For the Promises of Rutilius,'²⁷⁴ while Rutilius said they meant 'Allocated Formerly, Presently Recorded.'²⁷⁵ Then Gaius Canius, an *eques* who appeared for Rutilius, exclaimed that the letters signified neither. 'What then?' asked Scaurus, and Canius answered, 'Aemilius Finnagled; Punishment for Rutilius.'

"People also laugh at inconsistencies: 'He has everything you could hope for, except cash and good character.' 281

"It is also neat to criticize someone in a friendly way, pretending he is making a mistake. For instance, when Albucius seemed to have proven a point against Scaevola on the basis of Albius' accounts, and Scaevola was acquitted, Albius was overjoyed. Then Granius reprimanded Albius for failing to realize that this judgment had been made contrary to his own accounts.²⁷⁶

²⁷²For Novius, see 2.255 with note 223. (These are lines 113–114 in Ribbeck 1898: 330.)

²⁷³Every Roman was expected to keep accounts (cf. 2.97).

²⁷⁴I.e., transaction made because of (secret bribery) promises of Rutilius.

²⁷⁵People who were very careful in drawing up their accounts added an indication such as this when they had not immediately booked a transaction.

²⁷⁶Albius had obviously been quaestor to Scaevola (the interlocutor in Book 1) when the latter was governor of the Roman province of Asia in 120 BC. As such, he had kept accounts of official transactions, and according to the prosecutor, these proved that Scaevola was guilty of extortion. The decision to acquit Scaevola therefore implied that the jury disregarded the evidence of these accounts. (For the trial of 119/118 BC, cf. 3.171 with note 226.)

282 "There is also the similar type of offering a friendly suggestion by way of advice. For example, when Granius advised a bad advocate, who had shouted himself hoarse while speaking, to drink cool wine with honey²⁷⁷ as soon as he got home, the man said, 'If I do that, I will ruin my voice'; and Granius replied, 'Better your voice than your client.'

283 "It is also neat when you point to something that fits a person's character. For instance, Scaurus was the object of considerable envy for having gained possession, without there being a will, of the property of a rich man called Pompeius Phrygio. When Scaurus was present at a trial to support the defendant, Bestia, and a funeral procession filed by,²⁷⁸ Memmius, the prosecutor, said, 'Quick, Scaurus, a dead man is hurried off to his grave—see if you can gain possession.'

284 "But of all these kinds of humor, none provokes more laughter than the unexpected turn.²⁷⁹ There are countless examples of this, such as the remark of the elder Appius. When there was a debate in the Senate about public lands and, more specifically, about the Thorian Law,²⁸⁰ and Lucullus was attacked by those who claimed that his cattle were actually grazing on public land, Appius said, 'These cattle do not belong to Lucullus; you are wrong about that';—this sounded as if he was defending Lucullus—'I think they
285 belong to no one, for they graze freely where they want.' I also like the remark of Scipio (the one who overthrew Tiberius Gracchus).²⁸¹ When Marcus Flaccus, after levelling many insults against Scipio, proposed Publius Mucius Scaevola as judge,²⁸² Scipio said, 'I reject him as a judge; he is prej-

²⁷⁷*Mulsum*, a drink made from wine and honey, was usually drunk warm, and was probably thought to damage the voice when drunk cold.

²⁷⁸For funeral processions in the forum, see note 190 at 2.225.

²⁷⁹For the use of this type in combination with verbal jokes, see 2.255 and 260.

²⁸⁰The use by individuals of "public land" (*ager publicus*), which was formally the property of the Roman State, was limited by law, but rich landowners increasingly transgressed those limits. This was one of the factors in the impoverishment of small farmers in the second century, and a recurring political issue from the time when Tiberius Gracchus put it on the agenda during his tribunate in 133 BC. The Thorian Law (named after its proposer Spurius Thorius) is dated variously between 119 and 111; its content is disputed, and it is likewise unclear whether the debate mentioned here was held when it was proposed, or a few years later, being concerned with an evaluation of its effects. (See in general, e.g., Stockton 1979: 6–22, 206–216; *CAH* IX²: 53–59, 62–66, 618–623.)

²⁸¹The parenthesis identifies this Scipio as P. Cornelius Scipio Nasica Serapio. In 133 BC, when Tiberius Gracchus sought re-election as tribune of the plebs (a move whose legitimacy was questioned by his opponents), the elections ended in chaos. Meanwhile, there was a Senate meeting to discuss the matter, presided over by one of the consuls, P. Mucius Scaevola, who refused to support the use of force against Gracchus and his followers. Scipio then called upon everyone to follow him, and in the ensuing violence, Gracchus was killed.

²⁸²Flaccus probably initiated some form of prosecution against this Scipio for his actions against Gracchus. Scaevola, consul in 133 BC. (see previous note), was obviously regarded as very just and severe.

udiced.' When people murmured at this, he added, 'Ah, Members of the Senate, I do not reject him as being prejudiced against me, but against everybody.' Certainly nothing could be wittier than the remark made by Crassus here, when Piso's case had been damaged by a witness named Silus, who said that he had heard something bad about him. 'It may be, Silus,' said Crassus, 'that the person from whom you say you heard this, spoke in anger.' Silus nodded. 'It may also be that you didn't understand his meaning.' To this, too, Silus, wanting to oblige Crassus, eagerly nodded his head. 'It may also be,' he then said, 'that what you say you heard, you never heard at all.' This came so unexpectedly, that the witness was totally buried by general laughter. Novius is full of this kind of humor; his joke, 'Wise Man, if you are cold . . . you will shiver,'²⁸³ is well known, as are many of his others.

"Often, too, you can wittily grant to your opponent the very quality that he denies you, as Gaius Laelius did when a certain low-born character said to him that he was unworthy of his ancestors. 'But I say,' Laelius retorted, 'you are worthy of yours.' 286

"Jokes are also often made in the form of pointed remarks [*sententiae*]. For example, on the day that Marcus Cincius proposed a law on giving gifts and fees,²⁸⁴ Gaius Centho came forward and rather insultingly asked, 'What are you offering, my little Cincius?'²⁸⁵ Cincius retorted, 'A law, my dear Gaius, that will force you to pay for what you want to use.'

"Also, people often humorously make impossible wishes, like Marcus Lepidus did, when he was stretched out in the grass while everyone else at the Campus Martius was exercising: 'I wish this counted as hard work.' 287

"Also, if people, when asking you a question, are almost interrogating you, it is humorous to stay calm and give them an answer they don't want to hear. For instance, Lepidus, as censor, had confiscated the public horse of Marcus Antistius from Pyrgi.²⁸⁶ Antistius' friends were clamoring, asking him what Antistius was going to tell his father to explain why his horse had been confiscated, since he was an outstanding farmer, very thrifty, unassuming, and frugal, and Lepidus replied, 'That I don't believe any of that.'

288–290 *End of excursus*

"The Greeks²⁸⁷ collect a number of other varieties, such as imprecations, showing astonishment, and uttering threats. But I think I have already di- 288

²⁸³Quite a different reaction is expected from the imperturbable Wise Man, the ideal of most of the philosophical schools of the time! (The quotation is line 116 in Ribbeck 1898: 330.)

²⁸⁴This law, of 204 BC, forbade any payments to advocates (often euphemistically called "gifts"), as well as most other gifts exceeding a certain limit.

²⁸⁵"Offering": the corresponding Latin verb (*ferre*) is used for "offering" gifts as well as for "proposing" laws.

²⁸⁶I.e., he had attempted to demote Antistius from the rank of *eques* (cf. 2.258, with note 234). Lepidus was censor in 179–178 BC.

²⁸⁷Cf. 2.217.

vided all of this into too many categories. For the jokes that concentrate on expression and are based on the meaning of a word are more or less fixed and limited (in general, as I said before,²⁸⁸ they usually evoke praise rather than laughter). And those that I just treated, which reside in the content and the actual thought, are countless if you look at the number of species, but few if you look at the main classes. For laughter is provoked by deceiving people's expectations, by mocking other people's character or giving a humorous hint of our own, by a comparison to something worse, by irony, by saying slightly absurd things, and by censuring stupidity. Accordingly, anyone who wants to speak with humor must be permeated, so to speak, with a nature, a character that is suited to these types, so that his facial expression can also be adapted to each type of humor. And the more serious and solemn your expression—as it is when you are joking, Crassus—, the wittier the things that you say seem to be.

290 "Well, Antonius, you said that you would gladly take a rest in the roadside inn of what I had to say,²⁸⁹ but now you've turned off the road into what must seem like the Pomptine Marshes, not a pleasant or salubrious locale. So I think you should consider that you have rested long enough, and move on to complete the rest of your journey."

"I will certainly do so," replied Antonius, "having actually been very cheerfully entertained by you—and also, thanks to you, having become better informed, as well as much bolder where joking is concerned. For I am no longer afraid that anyone will think me too frivolous in this respect, seeing that you have produced authorities for me like Fabricius, Scipio, Fabius Maximus, Cato, and Lepidus.

291–306 *Concluding remarks on invention*

291 "But I have actually told you what you wanted to hear from me, at least about the points that required more careful exposition and reflection. The rest is easier, and everything that remains springs from what I have already said. I myself, when I have started working on a case and have traced everything in my mind as far as I can (that is, when I have noted and acquainted myself with the arguments of the case, with the commonplaces that win over the minds of the jurors, and with those that move them), then I determine what are the strong and the weak points of the case in hand. After all, virtually everything that can be brought up for pleading in controversy and debate necessarily has both; but how much it has of each, that is what counts.

292 And when I am going to speak, my method is generally as follows: what strong points the case has, these I embrace, adorn, and magnify, and there I linger, there I dwell, to them I cling; but from the weak and disadvantageous points of the case I withdraw in a way that avoids the impression that I am fleeing from them, but that buries them totally, disguising them by adorning and amplifying the strong points. Moreover, if the case rests on argu-

²⁸⁸See 2.253–254 and 264.

²⁸⁹See 2.234.

ments, I especially guard those that are most powerful, whether there are many of them or just one. If, on the other hand, the case rests on winning favor or on stirring the emotions, then I concentrate particularly on the aspect that is most able to move people's hearts. In short, my procedure in this respect amounts to this: If my speech can derive more strength from refuting my opponent than from proving my own assertions, I aim all of my weapons at him; if my own assertions are made good more easily than his are disproved, I try to lead the jurors' minds away from my adversary's plea, and direct them toward mine. 293

"Finally, I lay claim to two tactics that seem extremely simple (since more difficult ones are beyond my power). The first is that I sometimes make no response whatsoever to a troublesome, difficult argument or point. Perhaps someone will rightly laugh at me for this; after all, it is something anyone can do. But still, I am now discussing my own ability, not that of others. And I confess that, if something is pressing me with too much force, I tend to give ground in a way that does not suggest that I have thrown away my shield and am fleeing, or even that I am fleeing with my shield thrown over my back²⁹⁰; in such cases I tend to speak with a certain show and display, and to retreat as if I am fighting. And when I take up a position in my own stronghold, I give the impression that I have given ground not in order to flee from the enemy, but to occupy better ground. The other point is something against which I think an orator ought to guard himself with special care and foresight, and which usually causes me great concern. I always take pains not so much to help my cases as not to harm them.²⁹¹ Not that we shouldn't do our best in both respects, but still, it is more disgraceful for an orator to appear to have damaged his case than not to have helped it. But what is going on here with you two, Catulus? Do you perhaps scorn what I am saying, as it indeed ought to be scorned?" 295

"Not at all," Catulus answered, "but it seemed like Caesar wanted to comment on this particular point." "I'd certainly be happy for him to make a comment, whether to refute me or to ask me a question."

"Really, Antonius," Caesar then said, "about your qualities as an orator, I have always maintained that you seemed to be uniquely protected when you were speaking, and that your most special distinction was that you never said anything that harmed the one on whose behalf you were pleading. And I recall that once, in a large gathering, I had a conversation about you with this very Crassus here. He praised your eloquence at great length, and I said that apart from your other distinctions, this was altogether the greatest, that you not only said what was called for, but also avoided saying what was 296

²⁹⁰In retreat, a soldier covered his back with his shield. Throwing away the shield was the mark of a disgraceful, cowardly flight.

²⁹¹Antonius' stress, here and in what follows, on doing no harm resembles the same medical principle, which is found in several passages in the Hippocratic writings (e.g., *Epidemics* 1.11; also in the *Hippocratic Oath*, but that played only a marginal role in antiquity). Whether Cicero was really influenced by medical ideas on this point is, however, unclear.

297 uncalled for. I remember that he then answered me that your other qualities deserved the highest praise, but that only a wicked and treacherous man could say something that was unsuitable and that harmed the one on whose behalf he was pleading. He did not think, therefore, that someone who did not do so was automatically a skillful speaker, but that someone who did was a wicked person. Now, if you don't mind, Antonius, I would like you to indicate why you, on the contrary, think that doing no harm in a case is so important that nothing, in your view, is actually more important in an orator."

298 "I am certainly willing, Caesar," replied Antonius, "to tell you how I understand the matter. However," he continued, "you as well as all of you here should remember that I am not talking about the god-like qualities, so to speak, of the perfect orator, but about my own usual practice, which is no better than average. Crassus' answer, by contrast, was the judgment of someone with uniquely superior talents. To him, it seemed monstrous that there could possibly be a speaker whose oratory would do any harm or damage
299 to the person he was defending. That is because his conclusion is based on himself; his talents are so powerful that he thinks that anyone who says something contrary to his own interests must do so on purpose. But my discussion is not about people of outstanding and exceptional intelligence, but about those, I'd almost say, with ordinary, everyday capabilities. Take the similar case in Greece of the well-known Athenian Themistocles, whose intellectual abilities were reportedly enormous and incredible. It is said that he was once approached by a certain learned and highly educated man,²⁹² who offered to teach him the art of memory, which was then being introduced for the first time. When Themistocles asked what results this art could achieve, the teacher told him that it would enable him to remember everything. Then Themistocles responded that he would do him a greater favor
300 if he taught him to forget, rather than to remember, what he wanted. Do you see the force of this man's extremely sharp intellect, what a powerful and capacious mind he had? His response allows us to understand that nothing that had once been poured into his mind could ever again flow out of it; for to him, an ability to forget what he did not want to remember was preferable to being able to remember whatever he had heard or seen just once. But this response of Themistocles is no reason why we should neglect to expend effort on our memory—and neither is the outstanding intelligence of Crassus a reason to disregard my caution and apprehension in pleading cases. For each of them gave only an indication of his own skill, without contributing anything to mine.

301 "In fact, when you are pleading cases there are a great many things, in every part of your speech, that you must consider in order not to give offence and not to blunder into something. It often happens that a witness does no damage to your case, or less damage, if he is not provoked. My

²⁹²In some versions of the story, this man was Simonides of Ceos, but Cicero is purposely vague here.

client begs me, and his supporters press me: attack him, insult him, cross-examine him!—I am not moved, I do not comply, I don't let them have their way, yet I don't receive any praise for this. For it is easier for the inexperienced to criticize stupid things you have said than to praise what you have wisely left unsaid. In such cases, there is really so much damage done if you offend a witness who is angry, who is no fool, and who is a serious man! For his anger gives him the inclination to harm, his intellect the power to do so, and his way of life the requisite authority. If Crassus does not make this mistake, that does not mean that it is not made by many people, and often. Actually, I always think that nothing is more disgraceful than when an utterance or response or question from an orator gives rise to an exchange like this: 'That's really the end of it!' 'For his opponent, you mean?' 'No, on the contrary, for himself and his client.' Crassus does not think that this can happen except through treachery; but I very often see people who are not at all bad doing bad things to their cases. What about what I told you earlier, that I tend to give ground and, to put it more bluntly, flee before points that really press my case? When others fail to do this and range about in the enemy's camp, letting go of their own strongholds, surely they are doing their cases not a little harm; they are either strengthening the supports of their adversaries or aggravating wounds they cannot heal. What if they take no account of the individuals they are defending, that is, if they fail to soften and minimize qualities in them that may provoke envy, but instead make these more invidious by praising and extolling them—then they are doing great harm, aren't they? And what if there is too much abuse and bitterness in your attacks on people who are esteemed and liked by the jurors, while your speech has not provided any preliminary fortification of your position—then surely you are alienating these jurors? And what if you reproach vices or defects in your opponents that are also present in one or more of the jury, without realizing that you are thus attacking these jurors—is that a trivial mistake?²⁹³ And what if, while pleading on someone else's behalf, you turn the case to your own use or allow yourself to be provoked and carried away by anger, thus losing sight of the actual case—are you then doing no harm? In this respect I myself am considered extremely tolerant and calm, not because I like to be insulted, but because I don't like losing sight of my case. For instance, I reprimanded you, Sulpicius, for attacking an assistant instead of your opponent.²⁹⁴ One of the results of this attitude is that whenever anyone insults me, people think he is aggressive or completely out of his mind. Moreover, if, among your actual arguments, you adduce something that is either patently false, or that contradicts what you have said or are going to say, or is by its nature alien to the practice of the courts and the forum, are you then doing no harm? Why say more? All my efforts are always concerned with this goal—for I will say it again and again—to do some good by my speaking, if I can, and if not, at least to do no harm.

²⁹³ An example is Philippos' joke that was mentioned by Caesar in 2.245.

²⁹⁴ Occasion and circumstances of this incident are unknown.

307–332 ARRANGEMENT

307–315a *Choice and distribution of arguments, ethos, and pathos*

- 307 "So let me now return to the subject that earned me your praise a little while ago, Catulus,²⁹⁵ the order and the arrangement of the material and the commonplaces. The principles involved are two; one is inherent in the nature of our cases, the other is a matter of the judgment and good sense of the orator.²⁹⁶ That we should say something before addressing the case, then set forth the case, after that prove it by establishing our own arguments and refuting those of our opponents, then conclude our speech and so bring it to
- 308 an end—this is prescribed by the very nature of oratory. But to determine how we are to put together what we have to say in order to give proof and to instruct the jurors²⁹⁷—that is the special province of the orator's good sense. For there are always many arguments that occur to us, many that seem likely to bring us advantage in our speech. Some of these, however, carry so little weight that they must be disregarded. Others, even if they offer some help, are often such that they contain some fault, while the value of the advantage that they seem to provide is not so great that it should be
- 309 combined with some harmful point. But as to the useful and strong arguments, if nevertheless a great number of them remain, as often happens, then those among them that carry the least weight, or are rather similar to other, weightier ones, ought to be discarded, I think, and to be removed from our speech. It is at least my own practice, when I am assembling arguments for my cases, not to count so much as to weigh them.
- 310 "Also, as I have often said already,²⁹⁸ we bring people over to our point of view in three ways, either by instructing them or by winning their goodwill or by stirring their emotions. Well, one of these methods we should openly display, and we must appear to aim at nothing but giving instruction, while the other two must, just like blood in the body, flow throughout the whole of the speech. For it is essential that not only the prologues but also the other parts of a speech, about which I shall presently say a few words, should have
- 311 the power to seep into the minds of the audience.²⁹⁹ As regards those two el-

²⁹⁵See 2.179.

²⁹⁶The distinction between a "natural" order (corresponding to the traditional parts of a speech) and an order imposed by the activity of the orator ("arrangement") was traditional, although terminology varied confusingly (see e.g., *Rhetoric for Herennius* 3.16–18).

²⁹⁷This concerns the arguments; ethos and pathos will be treated in 2.310–312.

²⁹⁸For the first time in 2.114–115; see especially, 2.179–181; cf. also 2.121, 128–129, 176, 291 (Introduction, pp. 34–35).

²⁹⁹Here and in the next section, Antonius polemicizes against the rigid rules of standard rhetoric, which prescribed emotional appeal and the winning of goodwill only for the prologue and the epilogue. He signals this polemic by using the technical vocabulary for the parts of the speech, which is generally avoided in the rest of *De oratore*; for similar reasons, he also regularly uses technical terms in the following sections (until 2.330), especially "prologue" [*principium*] (and its alternative "introduction" [*exordium*]) and "narration" [*narratio*] (2.312, 326–330).

ements of a speech (which, though they do not provide instruction by argument, still accomplish a great deal by persuading and moving), it is true that both the introduction and the end of a speech are especially appropriate places for them; nevertheless, it is often useful to digress from the proposition you are arguing³⁰⁰ in order to stir the emotions. Accordingly, after the case has been set forth in the narration, there is often room for inserting a digression aimed at stirring up emotions. Or this may well be done after our arguments have been proven or after those of our opponents have been refuted, or in both places, or in all parts of the speech, if there is enough importance and substance to the case. Actually, the cases that can best be amplified and given distinction, being weightiest and fullest, are exactly those that offer the most starting points for digressions of the kind that allow us to employ the commonplaces that drive on or deflect the audience's emotional impulses.³⁰¹

"Moreover, I think those people are quite wrong who place their weakest points first. The same mistake is, in my opinion, made by those who, whenever they enlist several *patroni* in a case (a practice I have never liked), want precisely the one whom they consider least capable among them to speak first. For it is in the nature of things that the audience's expectations should be met as quickly as possible; that if these are not satisfied at the beginning, much more hard work is necessary during the rest of the case. Indeed, a case is in real trouble if it does not seem to be gaining the upper hand with the very first words. Therefore, just as the best speaker, so the strongest point in a speech should always come first, provided that, in both respects, another principle is observed at the same time, namely, that some of our excellent resources should also be reserved for the end. If there are points of moderate strength—for faulty ones should nowhere be given a place—, these should be thrown into the common crowd in the middle."³⁰²

"When all these things have been considered, only then, as the last stage, do I generally think about what should be said first, that is, what introduction I should use. For whenever I began by trying to discover that, the only ones that occurred to me were meager or insignificant or banal or common."³⁰³

³⁰⁰"Proposition" is here used in the technical sense of the assertion presented as central to the case (cf. 2.80).

³⁰¹These "commonplaces" were dealt with, though not exhaustively, by Antonius in 2.206–211.

³⁰²The principle of putting the strongest points at the beginning and end is traditional, as is clear, e.g., from *Rhetoric for Herennius* 3.18; this arrangement was known as the Homeric one, since in the *Iliad*, Nestor employs the same tactic when positioning his soldiers for battle (cf. Quint. 5.12.14). An essential difference with the traditional rules, however, is that while the handbooks discussed this principle with respect to arguments only, Antonius is here talking about all means of persuasion (arguments, ethos, pathos).

³⁰³Antonius here polemicizes against standard rhetoric, which often treated the introduction at the very beginning, under invention (see Introduction, p. 31). His polemic is rather malicious, in that he employs some standard technical terms for faulty introductions: "banal" (*volgare*) indicates introductions that can be used in a number of cases, "common" (*commune*) those that can also be used by the opponent (cf. *On Invention* 1.26; *Rhetoric for Herennius* 1.11; Wisse 1989: 90, note 51).

315b–325 *The parts of a speech: prologue*

“Well, the prologue of a speech should always be carefully done, to the point, well equipped with thoughts, and expressed in suitable words, but also appropriate to the case at hand. For the prologue offers a kind of first impression and recommendation of our speech, and this ought to charm and attract the hearer at once. In this regard I am always surprised, not to be sure by those who have devoted no attention to this subject of ours,³⁰⁴ but by Philip-
 316 pus, who is an especially accomplished speaker and a well-educated man. He usually stands up to speak without actually knowing what word he will utter first. He claims that it is his habit to fight only after warming up his arms. But he does not notice that the very gladiators from whom he draws this analogy hurl their first spears so gently, that they not only attend to preserving their strength for what follows, but that the effect is also graceful in the extreme.³⁰⁵ And there is indeed no doubt that the introduction of a speech
 317 seldom needs to be forceful and combative. But if, in the actual life-or-death struggle between gladiators, which is decided by the sword, many things still happen before the actual engagement that seem to have the potential not for inflicting wounds, but for putting on a display, how much more should this be expected to happen in a speech, where the audience demands pleasure rather than violence! Finally, there is nothing in the whole of nature that is fully formed the moment it sprouts up, and that emerges³⁰⁶ suddenly in a complete state. So to everything that is done or happens with great energy, nature itself has given gentler beginnings.

318 “And in oratory, these beginnings should not be sought from someplace outside, but must be drawn from the very heart of the case. This is the reason why we must explore and scrutinize the entire case, and discover and organize all our commonplaces, before we consider what prologue we
 319 should use. Thus it will actually be easy to find a prologue; for it will be drawn from the abundant material present in the arguments as well as in the elements that I said³⁰⁷ we must often use as subjects for digressions from the case itself. In this way, such materials will even contribute some weight to the prologue, being produced virtually from the core of the defense, and it will be evident not only that they are not common and not transferable to other cases, but that they have blossomed forth from the depths of the case that is being conducted at that very moment.”³⁰⁸

320 “Every prologue will have to offer either an indication of the whole of the matter that is being conducted, or provide an entrance into the case and

³⁰⁴I.e., oratory.

³⁰⁵The so-called Samnite gladiators had a preliminary skirmish before their actual fight; cf. 2.325.

³⁰⁶This is the probable meaning, but the Latin text may well be corrupt (both transmitted alternatives, *evoleat* and *evolvat*, are hard to explain).

³⁰⁷See 2.311–312.

³⁰⁸This sentence again emphasizes the avoidance of the faults mentioned in 2.315 above.

a paving of the way, or impart to it some distinction and dignity. But just as with entrance courts and entrances that are added to houses and temples, the prologue that is put before a case must be proportionate to the subject matter. Accordingly, in cases that are insignificant and do not attract much attention, it is often better to begin straight away with the subject matter itself.³⁰⁹ But when it is necessary to use a prologue, which will be on most occasions, you may derive your thoughts either from the party concerned or from your opponent or from the matter at hand or from the audience before whom the case is pleaded.³¹⁰ The thoughts to be derived from the party concerned (by “parties” I mean those involved in the case³¹¹) are those that indicate that he is a good man, generous, a victim of misfortune, deserving of pity, and those that may help to demolish a false incrimination. The thoughts derived from the opponent are in general the opposites of these, drawn from the same commonplaces. Thoughts may be derived from the matter at hand, if it is cruel, heinous, unexpected, undeserved, pitiable, marked by ingratitude, not deserving punishment, novel, or if it cannot be undone or remedied.³¹² Thoughts drawn from the audience before whom the case is pleaded are such that enable us to render them well disposed and make them think well of us,³¹³ feelings that are more easily evoked by pleading our case than by asking for them directly. This aspect should indeed be made to flow throughout the entire speech, and not least of all in the last part; but still, many prologues do have their source in this category. As for the fact that the Greeks³¹⁴ advise us to use our prologue for making the jurors attentive and receptive, this is useful, but no more appropriate to the prologue than to other parts of the speech. It is actually easier in the prologue, because people are especially attentive at the point when they have the whole of the

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³⁰⁹I.e., without using a prologue.

³¹⁰The remarks in 2.321–323 for the most part mirror and criticize the traditional rules of rhetoric (for which see Introduction, Diagram 2 on p. 29); for a minor though significant change, see below, note 313; the most significant addition will follow in 324 (see note 315). A notable omission on Cicero’s part, which is difficult to explain, is his failure to mention the pleader, despite the clear distinction between pleader and defendant drawn in 2.182–184. Cf. Wisse 1989: 208–211.

³¹¹Antonius made the same point in 2.183.

³¹²This list is rather heterogeneous: “cruel, heinous, unexpected” probably refer to a crime for which the pleader’s client is charged, but may also refer to something done to the client. The latter explanation again seems more probable in the case of “undeserved,” and the other elements are rather unspecific also (LP offer a different explanation).

³¹³In the standard rules, the three functions of the prologue were to make the audience well disposed, receptive, and attentive, and the material for the first of these was then divided into the defendant, the opponent, the jurors, and the matter at hand. Here (as in Aristotle, *Rhetoric* 3.14.5–11 [1415a8–1416a3]), the relationship is the other way round, probably because Cicero was very sceptical about the importance of the three functions (cf. 2.80).

³¹⁴That is, the rhetoricians, who were at that time predominantly Greek.

speech to look forward to, and it is also more likely for them to be receptive at the beginning. After all, what is said in a prologue stands out more clearly than what is said, whether by way of argument or refutation, in the middle of a case. But the greatest supply of material for our prologue that may attract or excite the juror is drawn from the commonplaces that the case presents for producing emotions.³¹⁵ Still, these must not be totally developed in the prologue, but the juror must at first be only lightly pushed, so that he may already be inclined to go in the right direction, and the rest of the speech may press him on. The prologue should, moreover, be connected with the speech that follows so that it is not a mere addition like the preludes of the lyre players,³¹⁶ but rather resembles a limb that is integrally joined to the rest of the body. Some speakers, after delivering their carefully rehearsed prologue, move on to the rest in such a way that they seem barely interested in getting a hearing at all. Also, an orator's preliminary skirmishes should not be like those of the Samnite gladiators, who, before the fight, brandish spears that they don't at all use in combat; on the contrary, they should be such that he can really use the thoughts of the preliminaries as weapons in the actual fight as well.

anima
analogy

326–330 *The parts of a speech: narration*

326 "As to the narration, the rhetoricians tell us that it should be brief.³¹⁷ Now if brevity is supposed to mean that there is no word that is redundant, then the oratory of Lucius Crassus is brief. But if brevity implies using only as many words as is absolutely necessary, it may sometimes be required, but is more often detrimental, especially in the narration. It not only produces obscurity, but also destroys the quality most important for a narration, that it should be pleasant and suited to persuasion. You surely know the passage that begins,

Once he had grown up . . .³¹⁸

³¹⁵The element of pathos mentioned here is not found elsewhere, and is characteristic of Cicero's approach; cf note 310 above.

³¹⁶Literally, a *citharoedus* was a singer who accompanied himself on the lyre.

³¹⁷The standard rhetorical rules required the narration to be brief, plausible, and clear (cf. 2.80 and 83; Introduction, Diagram 2 on p. 29). Antonius will discuss or mention the last two further below (328–329).

³¹⁸Terence, *Andria* 51. In the passage (which runs until approximately line 170), Simo tells his servant Sosia the background of the present situation, while Sosia now and again interrupts him with questions. Sosia describes the conduct of his son Pamphylus since he had grown up, the appearance of the courtesan Chrysis and her death, and his son's behavior at her funeral, which betrayed that he is in love with Chrysis' (supposed) sister Glycerium. (Antonius in 2.172 quoted two and a half lines from the same passage.)

What a long narration that is! The character of the young man himself, the questions of the slave, the death of Chrysis, the face, figure, and mourning of her sister, and all the rest of it are related in a greatly varied and pleasant way. But if the author had been after such brevity as this, 327

She is carried out, we follow, we reach the burial place,
she is laid on the pyre, the lament starts . . . 319

—then he could practically have dispatched the whole story in less than ten verses. (Although the phrase, ‘She is carried out, we follow,’ is actually cut down in such a way that the effect is gracefulness rather than brevity; if he had written nothing but ‘she is laid on the pyre,’ the whole matter would still have been easily understood.) But if a narration is marked by the appearance of various characters and is interspersed with conversations, then it will, in the first place, be lively. Also, your account of what happened becomes more plausible when you describe how it was done, and much clearer to understand if it occasionally comes to a halt like that, instead of running on with the brevity prescribed by those people. Indeed, clarity is as necessary in the narration as it is in the other parts; nevertheless, we should expend more effort on it here. For it is more difficult to avoid being obscure when giving your narrative account than it is either in the prologue or when giving the arguments or at the end of the speech. Moreover, obscurity in this part of the speech is riskier than in the others, because when a somewhat obscure statement is made elsewhere, only this statement itself is lost, but a narration that is obscure blots out the entire speech; also, other things that have been stated too obscurely at one point can be stated more clearly at another, but there is only one point in the case for the narration. Well then, a narration will be lucid if ordinary vocabulary is used, if the chronological order of events is preserved, and if there are no breaks in the continuity of the story. But the question of when a narration should be employed and when it should not is a matter of judgment. If the case is known and there is no doubt about what happened, there is no need for a narration. And the same is true if our opponent has given one, unless we intend to refute his account. In cases in which a narration turns out to be necessary, we should refrain from vigorously pressing those points that are going to lead to suspicions and reproaches and are going to be against us, and we should eliminate whatever we think might do so. Thus, we can avoid what Crassus ascribes, when it happens, to treachery instead of to stupidity: that we should harm our own case.³²⁰ For it makes a difference to the case as a whole whether the matter has been set out carefully or not, since the narration is the source for all the rest of the speech. 328 329 330

³¹⁹Terence, *Andria* 117 (first half, “She is carried out, we follow”) plus 128–129.

³²⁰See 2.295–306, especially 297 and 303.

331–332 *The parts of a speech: proposition and
argumentation; conclusion*

- 331 "The next thing is formulating your proposition, which involves considering what the point at issue³²¹ is. Then support for the case must be built by demolishing your opponent's arguments and by proving your own at the same time. For in every case, the portion of the speech that serves to establish your argumentation is, so to speak, based on just one principle. This portion does require both proof and refutation, but since you cannot refute the opponent's points without proving your own, nor prove your own without refuting your opponent's, it follows that these things are closely connected in terms of their nature, their usefulness, and their treatment.³²² The entire speech should be concluded most often by amplifying our points, either by kindling the emotions of the jurors or by soothing them. Everything, both in the preceding sections of the speech and particularly in the last, should be aimed at stirring the jurors' emotions as much as possible and at prompting them to think what is to our advantage.

333–340a *The deliberative genre*

- 333 "Now there really seems to be no reason anymore for a separate treatment of the rules for advisory speeches or laudatory ones, since they are for the most part the same. Even so, it seems to me that giving advice for or against a proposal requires a person of the greatest dignity. For in order to unfold your counsel about affairs of the highest importance, you must be wise, honorable, and a skillful speaker, so that you can look ahead with your mind, win acceptance by your authority, and persuade by your speech. In the Senate, such matters must be handled with less display, for this is a wise council, and many others must be given the opportunity to speak. Also, you must avoid any hint of showing off your talent. A public meeting, on the other hand, gives scope for all the force of oratory, and requires dignity and variety.
- 334 "Well then, in giving advice, nothing is more desirable than the honorable. For those who think that expediency is called for have their eyes not on what the adviser most wants, but on what is a stronger determinant of his actions. After all, everyone, especially in such an illustrious community as ours, thinks that the honorable is to be pursued above all else³²³; but most

³²¹This is the *propositio*; see Glossary.

³²²This treatment of the *argumentatio* is markedly brief compared with that in standard rhetoric; this is another (implicit) signal to the reader that Cicero's approach differs fundamentally from the usual stress on the parts of speech (cf. Introduction, p. 31). Moreover, this discussion, brief as it is, is wholly taken up by Antonius' polemics against the strict division of proof and refutation (*confirmatio* and *refutatio*) in standard rhetoric.

³²³The use of the philosophical phrase "to be pursued" (cf. 1.221, with note 190) reflects the fact that the distinction between the honorable and the expedient and their exact relationship were questions also treated in contemporary philosophy; see especially Cicero's own *On Duties*.

often, expediency gains the upper hand, when there is an underlying fear that, if expediency is neglected, it will not be possible to maintain the honorable either. Now when there is a conflict between different opinions, this turns either on the question of which alternative is more expedient, or, when people agree about this, there can also be a dispute about whether the honorable or the expedient deserves more consideration. These goals often seem at odds with each other. The one who defends expediency will enumerate the advantages of peace, prosperity, power, money, public revenues, military protection, and of everything else whose benefit is measured in terms of expediency, as well as the disadvantages of their opposites. The one who urges us to follow the honorable, on the other hand, will collect examples of glorious deeds that our ancestors performed despite the danger involved, and will amplify the importance of being immortalized by posterity; he will defend the position that expediency springs from what is praiseworthy, and that it is always connected with the honorable.³²⁴ But whichever goal one defends, it is particularly important to ask what can or cannot happen, and also what is or is not necessary. For all deliberation is immediately cut short when people realize that something is impossible, or when some necessity is adduced.³²⁵ And the speaker who demonstrates that this is the case, while others are blind to it, shows the most insight.

“While the fundamental requirement for giving advice about affairs of State is to know the affairs of State, that for speaking persuasively is to know the character of the community. Since the latter frequently changes, our mode of speaking should often change as well.³²⁶ And although we may say that eloquence is essentially a unity, yet, because of the unsurpassable dignity of the people, the high importance of the interests of the State, and the passionate emotions of the crowd, it seems that here³²⁷ we must also employ some grander, some more brilliant mode of oratory. Indeed, the greater part of a speech must be devoted to exciting the emotions of the audience, at times inciting them, by direct exhortation or by some reminder, to hope or to fear or to be partial or to have high aspirations, often also calling them back from recklessness, anger, hope, injustice, envy, or cruelty. It actually happens quite naturally that we are stirred to employ a more distinguished mode of oratory, because a public meeting provides what might be called the orator’s greatest stage. For, just as a flute player cannot play without a flute, the crowd has a certain power that makes it impossible for an orator to be eloquent unless a crowd is listening. There are many different ways of falling out of favor with the people, so we must do our best to avoid out-

³²⁴In philosophy, this view was especially defended by the Stoics, and is at the root of Cicero’s *On Duties*; see especially Long 1995: 213–240.

³²⁵Cf. Aristotle’s *Rhetoric* 1.4.2 (1359a32–34). See Wisse 1989: 117.

³²⁶Cf. Aristotle’s *Rhetoric* 1.8.1 (1365b22–25); 1.8.6 (1366a8–14).

³²⁷Antonius is now talking about oratory before a crowd, that is, in public meetings (*contiones*; cf. Introduction, pp. 4–5). We have added “here” to make this explicit, but to Cicero’s Roman readers, this will have been clear from the beginning of this section, at the mention of the frequent changes in the character of the community.

bursts of hostile shouting. These may be provoked by a mistake in our speech, if something we said seems to show harshness, arrogance, a disgraceful or vulgar attitude, or any other moral defect. Or they may be the result of resentment or indignation in the audience (which can either be justified or arise from slander and rumors); or the subject may be unpopular; or the crowd may of its own accord have feelings of partiality or fear. These four causes can be countered by as many cures³²⁸: sometimes by rebuke, if the orator has the requisite authority; sometimes by admonition, which is like a milder form of rebuke; sometimes by promising that if they will hear us out, they will approve of our point of view; and sometimes by entreaty, which is a weak but occasionally useful expedient. Moreover, witticisms and quick, brief sayings, presented with dignity and a sense of humor, are nowhere more helpful than in such situations. For when it comes to drawing people away from severity, and often from bitterness, by a well-timed, brief, clever, and humorous remark, nothing is more easily swayed than a crowd.

340b–349 *The laudatory genre*

“I have now, as best I could, given you a rough description of the principles I generally follow in both these genres,³²⁹ the faults I try to avoid, and the things I keep in sight—in short, of the method I use when dealing with my cases. The third genre, laudatory speeches, which I had, as it were, removed from my precepts at the beginning,³³⁰ isn’t difficult either. But I excluded this whole subject because there are many kinds of speeches that are more important and of greater scope, for which barely anyone gives precepts,³³¹ and because we do not generally use laudatory speeches that much. Even the Greeks themselves composed their laudatory speeches more for the pleasure of reading, or for glorifying a particular individual, than for the practical purposes of the forum that we are now considering. They have written books praising Themistocles, Aristides, Agesilaus, Epaminondas, Philip, Alexander, and others.³³² Our laudatory speeches, which we deliver in the forum, either have the bare and unadorned brevity of character evidence³³³ or are written for funeral gatherings, which are not at all suited for displaying the qualities that make for a great speech. But still, we must use laudatory speeches now and again, at times even write them (as, for instance, Gaius Laelius wrote one for Quintus Tubero, who was to eulogize his uncle

³²⁸There is no one-to-one correspondence between the four causes and the four cures.

³²⁹I.e., the judicial and deliberative genres.

³³⁰See the discussion in 2.43–73, especially 43–47.

³³¹See 2.48–73.

³³²Famous statesmen, generals, and kings from the fifth and fourth centuries BC. A biography of Agesilaus, by Xenophon, is extant. For details, see Index.

³³³In Roman trials, defendants usually had with them about ten people who testified to their high reputation and character.

Scipio,³³⁴ or as we ourselves, in the manner of the Greeks, might also praise people of our choice for the sake of glorification). So let me, like them, deal with this topic too.

"Well then, the qualities that are desirable in a human being and those that are praiseworthy are obviously not identical. Descent, beauty, strength, power, riches, and all the other things that fortune bestows either to the body or as an external circumstance do not in themselves offer any basis for true praise; this is generally held to be due to virtue alone. Nevertheless, because virtue is actually most conspicuous in the judicious use of such things, laudatory speeches must also treat these advantages of nature and fortune. In this respect, the highest praise is not to have raised oneself too high when in a position of power, not to have been excessive with money, not to have exalted oneself above others because of an abundance of good fortune. In this way, it will be seen that power and resources have not provided means and opportunities for arrogance and extravagance, but for goodness and moderation. Virtue, which is praiseworthy in and of itself, and is indispensable in whatever we praise, can nevertheless be divided into several components, some of which are more suitable for praise than others.³³⁵ For some virtues seem to be dependent on people's character and on a certain gentleness and inclination to benefit other people, while others depend on a certain intellectual ability or on greatness and strength of spirit. Clemency, justice, generosity, loyalty, and courage shown in dangers to the community are pleasing to hear about in laudatory speeches, for all these virtues are considered beneficial not so much to those who possess them as to the human race in general. On the other hand, wisdom and greatness of spirit, which makes all human affairs appear worthless and insignificant, as well as a certain native power of thought, and, for that matter, eloquence, are not less admired, but are less pleasing, for they seem to provide distinction and protection for those whom we are praising, rather than for the audience. Nevertheless, when we are praising we should also³³⁶ combine these two types of virtue. For people readily lend their ears not only to praise of the pleasing and gratifying aspects of virtue, but also to those that are admirable.

"Individual virtues have specific duties and functions, and each virtue is owed its own proper praise. When praising justice we will have to recount what the person we are praising has undertaken with loyalty, with a sense of fairness, or in accordance with some other moral duty of that kind. Likewise, in the other cases, we must bring his actions into agreement with the nature, meaning, and name of each virtue. The most gratifying praise is merited by deeds that seem to have been undertaken by brave men without re-

³³⁴Cicero here makes Tubero the speaker of Scipio's funeral oration in 129 BC, but it was probably another nephew, Quintus Fabius Maximus Allobrogicus, who used the speech written by Laelius. Cicero probably misremembered because Tubero was involved in the organization of the funeral banquet (see Cicero, *In defense of Murena* 75).

³³⁵The distinction made here is probably taken from Aristotle's *Rhetoric* 1.9.3–6 (1366a33–b7); cf. Wisse 1989: 118–121, with 330.

³³⁶I.e., apart from mentioning the advantages of nature and fortune.

gard to advantages or rewards. Those that also involved labor and personal risk offer the richest possible material for praise, since they lend themselves to great embellishment, and people listen to them with most willing ears. For a virtue, in sum, is considered to be the mark of an outstanding man if it is beneficial to others, but involves labor or risk for himself, or at least no profit. It is usually also considered a great and admirable merit to have borne adversities wisely, not to have been crushed by fortune, and to have maintained one's dignity in difficult circumstances. Yet it is also regarded as a distinction if a person has been honored, if he has received official rewards for his virtue,³³⁷ and if his actions have been approved by human judgment; in the same vein, it is likewise typical of laudatory speeches to attribute success itself to the judgment of the immortal gods. The accomplishments we choose to speak about ought to be either outstanding in importance, or unprecedented in their novelty, or unique by their very nature. For petty or usual or commonplace ones are not considered worthy of admiration or even of any praise at all. Comparison with other outstanding men also makes a splendid contribution in a laudatory speech.

"I have chosen to speak about this genre at a little more length than I had led you to expect. I have done so not so much because of the usual practice in the forum, which is the subject I have been talking about constantly, but in order to make you see that if laudatory speeches belong to the orator's duties (which no one denies), a knowledge of all the virtues (without which the composition of laudatory speeches is impossible) is essential for the orator. Furthermore, as to the rules for speeches of blame, it is clear that these are to be derived from the vices opposite to these virtues. And it is just as obvious that one can neither praise a good man adequately and with fullness without knowledge of the virtues, nor stigmatize and blame a wicked man strikingly and harshly enough without knowledge of the vices. Also, in cases of every genre, we will often have to employ such commonplaces of praise and blame.

350-360 MEMORY

"You now have my views on the discovery and arrangement of our material. I shall add a few words about memory, in order to lighten Crassus' work and to leave him nothing else to discuss but the methods for imparting distinction to these things."³³⁸ "Go right ahead," said Crassus, "for I am happy to observe that you have now been revealed as a master of the theory, at last unveiled and stripped of the cover of your feigned ignorance. And it is very convenient that you leave little or nothing to me, and I am much obliged." "As for this question, how much I have left for you to do," said Antonius,

³³⁷Examples of such official rewards were the *triumphus* and the *ovatio* (for which see 2.195 with note 161).

³³⁸By "imparting distinction" (*exornentur*, cf. *ornatus*), Antonius refers to the theory of style; cf. 2.123 above.

"that will now be up to you to decide. If you choose to deal with the matter honestly, I am leaving everything to you. But if you want to feign ignorance, then you will have to consider how to satisfy our friends here.

"But, to return to the subject," he continued, "I do not have the great intellectual abilities that Themistocles had, which could make me prefer an art of forgetting to one of remembering.³³⁹ And I am thankful to Simonides of Ceos, who is said to have been the first to introduce the art of memory. According to this story, Simonides was dining at Crannon in Thessaly at the house of Scopas, a rich nobleman. When he had finished singing the poem that he had composed in Scopas' honor, in which he had written much about Castor and Pollux for the sake of embellishment, as poets do, Scopas reacted with excessive stinginess. He told him that he would pay him only half the agreed fee for this poem; if he liked, he could ask for the rest from his friends the Tyndarides,³⁴⁰ who had received half the praise.³⁴¹ A little later, the story goes on, Simonides received a message to go outside: two young men were standing at the door, who were urgently asking for him. He got up and went outside, but saw no one. In the meantime, precisely while he was gone, the room where Scopas was giving his banquet collapsed, and Scopas, together with his relatives, was buried under the fallen roof and died. When their families wanted to arrange their funeral, but could not possibly distinguish them because they had been completely crushed, it was reportedly Simonides who, from his recollection of the place where each of them had been reclining at table, identified every one of them for burial. Prompted by this experience, he is then said to have made the discovery that order is what most brings light to our memory. And he concluded that those who would like to employ this part of their abilities should choose localities, then form mental images of the things they wanted to store in their memory, and place these in the localities. In this way, the order of the localities would preserve the order of the things, while the images would represent the things themselves; and we would use the localities like a wax tablet, and the representations like the letters written on it.³⁴²

"What need is there for me to mention the benefit that the memory offers to the orator, its great usefulness and its great power? That you can re-

³³⁹See 2.299.

³⁴⁰I.e., the sons of Tyndareos, a common way of referring to Castor and Pollux.

³⁴¹Some poets who wrote so-called lyric poetry, i.e., poetry sung to musical accompaniment (which flourished ca. 650–450 BC), used myths to illustrate the points made in the poems. Castor and Pollux were probably mentioned by Simonides because his poem celebrated Scopas' victory in a boxing contest (Pollux being known as a boxer; cf. Quint. 11.2.11). The reaction here ascribed to Scopas, however, suggests that the precise relevance of such myths, which has often vexed modern scholarship (especially in the case of Pindar), was perhaps even unclear to contemporaries (see also Cicero's phrase, "for the sake of embellishment").

³⁴²This description of the system can be so brief because it was known to the others present and to Cicero's readers (see Introduction, p. 37). The comparison to writing was traditional.

tain what you learned when accepting a case, as well as what you have thought out yourself about it? That you can have all of your thoughts fixed in your mind, and your entire supply of words neatly arranged? That you can listen in such a way to your client who instructs you about the case, or to your opponent whom you will have to answer, that what they say is not just poured into your ears, but seems inscribed into your mind? Accordingly, only those with a powerful memory know what they are going to say, how far they will pursue it, how they will say it, which points they have already answered and which still remain. Such people also remember much of the material they have used in the past in other cases, and much that they have
 356 heard others use. Now I do acknowledge that nature is the chief source of this asset, as it is of everything that I have been talking about before. But it is true of the whole art of speaking (or perhaps it is only a shadow and semblance of an art),³⁴³ that its function is not to produce or create from scratch what is nowhere present in our own natural abilities, but to rear and de-
 357 velop what has already been born and created within us. Yet, there is barely anyone whose memory is so keen that he can retain the order of all words and thoughts without arranging his material and representing it by symbols; nor anyone, really, whose memory is so dull that practicing this system on a regular basis will not help him at all.

"Indeed, as Simonides wisely observed—or whoever it was who discovered this—the things best pictured by our minds are those that have been conveyed and imprinted on them by one of the senses. Now the keenest of all our senses is the sense of sight. Therefore, things perceived by our hearing or during our thought processes can be most easily grasped by the mind, if they are also conveyed to our minds through the mediation of the eyes. In this way, as he saw, invisible objects that are inaccessible to the judgment of sight are represented by a kind of figure,³⁴⁴ an image, a shape, so that things we can scarcely take hold of by thinking may be grasped, so to
 358 speak, by looking at them. But these concrete forms, just like everything that falls under the faculty of sight, must be located somewhere; for a concrete object without a locality is inconceivable. Consequently (for I don't want to talk too much or be obtrusive while the subject is so well known and common), the localities we use must be numerous, clearly visible, and at moderate intervals, while our images should be lively, sharp, and conspicuous, with the potential to present themselves quickly and to strike the mind. Practice, the starting point for developing a habit, will provide the requisite skill. Particularly useful ways of practicing are³⁴⁵ forming representations by

³⁴³Antonius' observation about nature versus art in the case of memory is interrupted by an analogous observation on the art of speaking in general; the former point is resumed in 2.357. For the discussion of oratory as an art, cf. 1.108–110 and 2.30–32.

³⁴⁴This unexpected word, "figure" (*conformatio*), seems chosen in order to suggest a similarity between the formation of mental images in memorizing and the formation of figures of speech. This similarity is further developed below, in 2.358.

³⁴⁵"Particularly useful ways of practicing are" is not in the transmitted Latin text, but something like this seems required to complete the sense.

changes and by transformations of words into similar ones with different endings, or by the substitution of the part for the whole, and giving shape to a complete thought by an image consisting of a single word,³⁴⁶—all this according to the systematic approach of a consummate painter, who keeps the different localities distinct from each other by employing a variety of shapes.³⁴⁷ Memorization of words, which is less necessary for us, is characterized by a greater variety of images. After all, there are many words that serve as joints connecting the limbs of our language,³⁴⁸ and it is impossible to find shapes that resemble these. For them, we must mold images for constant use. Memorization of content, however, is the proper business of the orator. This is where we can use representation by separate, well-placed persons and objects, so that we can apprehend thoughts by means of images, and their order by means of the localities.

359

“And it is not true, as lazy people always say, that the memory is overwhelmed by the weight of the images, and that they even obscure what our natural memory could have grasped by itself. I myself have met eminent people with almost superhuman memories, Charmadas in Athens and in Asia Metrodorus of Scepsis (who is said to be still alive); and both said that they recorded what they wanted to remember by means of images in the localities that they had chosen, just as if they were writing them out by means of letters on a wax tablet. Hence, if someone does not have a natural faculty of memory, this practice cannot be used to unearth one, but if one is latent, the practice should be used to make it grow.

360

361–367 *End of the morning's discussion*

“Well, you have heard a pretty long talk from a man who has, I really hope, not shown himself shameless! One thing you can certainly say is that he has not been overly modest—since I have said so much about the theory of speaking in your presence, Catulus, and even in that of Lucius Crassus. Perhaps I should not have allowed your young friends here to influence me so

361

³⁴⁶The interpretation of this sentence is difficult. Cicero seems to suggest that practicing the representation and reshaping of words by means of certain tropes and figures of speech will enhance the ability to find visual representations useful for memorizing (see already 2.357, “figure,” with note 344). Four types seem to be indicated: mere change of endings (*mensa*, “table,” can be an image for *mensis*, “month”), “transformation” (*immutatio*), i.e., change of endings involving metonymy (as in 3.167, *Africa* for *Afris*, “Africans”), synecdoche (such as “roof” for “house,” cf. 3.167), and metaphor. See Blum 1969: 23–30, with Den Hengst 1986: 246.

³⁴⁷Cicero seems to imply that a painter indicates spatial dimensions by the way the painted objects stand out from each other. The point may be that we should exercise ourselves in the choice of suitably various and striking images, so that when we place them in the “localities” in our mind, everything will still be easy to distinguish.

³⁴⁸“Limbs” translates *membra*, which is also the term for “clauses”; the words serving as “joints” are conjunctions, prepositions, etc., nowadays often called function words (as distinct from content words).

much. But I am sure that you will forgive me, once you hear the reason that drove me to be so unusually talkative."

362 "Indeed, we—for I am speaking for myself as well as my brother—," said Catulus, "not only forgive you, but also respect you for what you have done and are very grateful. But while we appreciate your being so kind and obliging, we are truly surprised by the rich knowledge you have shown. And for my own part, I have also benefited by being freed from a serious error and relieved of a different kind of surprise, which I have always shared with many others: what is the source of your enormous, superhuman skill in pleading? For I used to think that you had not even touched the things you've talked about; but I now realize you have devoted the greatest diligence to mastering and assembling them from everywhere, and that you have partly corrected and partly accepted them, relying on the schooling
363 that experience has given you. And while this is no reason for me to be less surprised by your eloquence, it causes me to be much more surprised by your resolution and diligence. At the same time, I am glad that my personal conviction is confirmed. I have always been of the opinion that no one can attain the qualities of wisdom and eloquence without the greatest devotion, exertion, and learning. All the same, what did you mean by saying that we would forgive you if we knew the reason that had driven you into this conversation? What other reason was there, except that you wanted to oblige us as well as these enthusiastic young men, who have listened to you with the greatest possible attention?"

364 "I wanted to deprive Crassus of every excuse for refusing," Antonius said. "I knew that he was a little too modest or reluctant (for about such an affable person I don't want to say too snobbish) in beginning a conversation like this. For what excuse will he be able to offer now? That he is a former consul and censor? I can make the same plea. Or will he adduce his age? He is four years my junior.³⁴⁹ Or will he claim that he doesn't know these subjects? What I picked up late in life, hastily, in odds and ends of time, as they say, he studied from boyhood, with the greatest devotion, and under the greatest teachers. I won't even talk about his unrivalled talent. In fact, no one who has heard me speak ever had such a low opinion of himself that he gave up hope of being able to speak either better or as well; but no one who has heard Crassus had such arrogance to trust that he would ever speak like him. Therefore, Crassus, such men as these ought not to have come here in vain, so let us hear you at last."

365 Then Crassus replied, "Even if I should concede that what you say is true, Antonius (though matters are actually quite different), tell me, what have you today left for me, or for anyone else, to say? I will honestly tell you

³⁴⁹Crassus was actually three years his junior, as Cicero later reported in his *Brutus*, 161. It is uncertain whether the manuscripts are wrong here (Renting 1992: 231–232 plausibly proposes to read *qui triennio* ["who is three years my junior"] instead of *quadriennio*), or whether Cicero made a mistake (chronological questions were more difficult then, and Cicero's attention to them when writing *De oratore* was less developed than when he wrote the *Brutus* in 46 BC).

what I think, dear friends. I have often heard learned men speak—but why do I say often? Rather, occasionally. For how could I have heard them often, since I entered the forum as a boy, and have never been away from it longer than I was during my quaestorship.³⁵⁰ Anyhow, as I told you yesterday, when I was in Athens I did hear very learned men,³⁵¹ and in Asia I also heard this same Metrodorus of Scepsis you mentioned, when he discussed these very subjects. But in my opinion, no one ever engaged in this kind of argument with more fullness or with more precision than this man did today. If it were otherwise and if, to my understanding, there were anything that Antonius had passed over, I would not be so impolite—almost inhuman—to show any reluctance about something that I perceive you to desire.”

At this point, Sulpicius said, “Have you then forgotten, Crassus, that Antonius has made a division of labor with you, and that he himself was going to explain the orator’s basic instruments, and leave it to you to give them shape and distinction?”³⁵² “In the first place,” Crassus rejoined, “who gave Antonius permission both to make the division and then to be the first to choose the part he wanted? In the second place, I much enjoyed listening to him, and if I understood him rightly, it seemed to me that he spoke about both aspects at the same time.”³⁵³ “In fact,” said Cotta, “he did not touch upon the elements that give distinction to a speech, nor on the quality that gave eloquence its very name.”³⁵⁴ “So Antonius has left me the words,” said Crassus, “and has taken the content for himself.”

Then Caesar spoke: “If what he has left for you is the more difficult part, then we have reason for wanting to hear you; but if it is the easier part, then you have no reason for refusing.” And Catulus added, “What about your saying that if we would stay here at your house today, you were going to oblige us?”³⁵⁵ Do you suppose this has nothing to do with your sense of obligation?”³⁵⁶ At this, Cotta laughed and said, “I could give in to you, Crassus, but I’m afraid that Catulus has come up with a point of moral scruples here. This is a matter for the censors!³⁵⁷ And you realize what a disgrace it

³⁵⁰Crassus exaggerates: he pleaded his first case at the age of 21 (see Index at Carbo). He was quaestor in Asia in 111 BC, returning near the end of 110.

³⁵¹See 1.45–47.

³⁵²For the “division of labor” to which Sulpicius refers, see 2.123, 126, and 350.

³⁵³See especially the (mostly implicit) remarks about the style suitable for ethos and pathos in 2.182–212; but also, e.g., 2.146.

³⁵⁴Eloquence (*eloquentia*) is derived from the verb *eloqui*, “utter words, say”; the “quality” to which Cotta refers is, therefore, expression (style). All this is tongue in cheek, for the etymological connection was rarely felt, *eloquentia* having acquired the (almost exclusive) sense that English “eloquence” still has. Note that the technical term for style as a part of rhetoric, *elocutio*, is derived from the same verb.

³⁵⁵See 2.27—where, however, Crassus is not quite so explicit!

³⁵⁶*Fides* (“sense of obligation, trustworthiness”) was a central concept in Roman social relations.

³⁵⁷Breaches of *fides* (see previous note), as well as other moral offenses, were liable to be punished by censorial measures.

is for a former censor to commit such an act." "All right, then," said Crassus, "as you wish. But now, at least, considering the time of day, I propose that we rise and take our rest.³⁵⁸ We will talk a bit in the afternoon, if that is agreeable to you. Unless perhaps you prefer to put it off till tomorrow." All of them said they wanted to hear him either at once or, if he preferred, in the afternoon, but in any case as soon as possible.

BOOK 3

1-16 Prologue: the sequel

- 1 When, my dear brother Quintus, I began to put on record, in this third book, the remarks that Crassus made after the discussion by Antonius, a truly bitter recollection revived old feelings of distress and grief in my heart. For the genius of Lucius Crassus, which would have deserved immortality, his refined humanity, and his steadfast character were wiped out by a sudden death, scarcely ten days from the day described in this and the previous book.
- 2 On the last day of the dramatic festival,¹ he returned to Rome, intensely distressed by a speech that Philippus was reported to have made at a public meeting. So much was certain: Philippus had declared that he would have to look for another council, since with the present Senate, he was unable to conduct the affairs of State. Then, on the morning of the Ides of September,² Crassus, together with a large number of senators, came to the Senate House at the summons of Drusus. There, Drusus complained at length about Philippus' behavior, and then formally put before the Senate the issue of a consul
- 3 having so vehemently attacked their order at a public meeting. Now it almost invariably happened to Crassus, whenever he had spoken with more than usual care, that people thought he had never spoken better. Yet on this occasion (and I have often observed that men of the greatest understanding agree about this), it was the unanimous judgment of all that, whereas Crassus had always outdone everyone else, on that day he had outdone even himself. He lamented the Senate's misfortune of being reduced to orphanhood, now that the consul, who ought to be like a good parent or a faithful guardian, was plundering the order's inherited dignity, as a foul robber would. It was really no surprise either, after he had struck a heavy blow at the State by his counsels, that he should now spurn the council of the Senate in the affairs of State.

³⁵⁸Crassus proposes to take the usual siesta.

¹I.e., on September 12. The "Roman Games," at the beginning of which the company had withdrawn to Crassus' villa (see 1.24), consisted of a dramatic festival until the 12th, and circus games, at that time held from the 15th till the 18th. On the 13th, there was a "Banquet for Jupiter" (*epulum Iovis*). Philippus' speech had obviously been held during Crassus' absence.

²I.e., the 13th.

Philippus was a fierce man, a skillful speaker, and singularly strong in counterattack, and when Crassus had thus applied the firebrands of his oratory to him, he could not bear it anymore. He flared up violently, and set about forcing Crassus into compliance by exacting pledges.³ And in this difficult situation, Crassus uttered many divinely inspired words, asserting that he did not regard a man as a consul who did not regard him as a senator. "When you have treated the whole authority of our entire order as a pledge, and have crushed it before the eyes of the Roman people, do you really think you can frighten me with these pledges? If you want to force Lucius Crassus into compliance, it is not those pledges that you must destroy; you will have to cut out this tongue of mine—and even when that has been torn out, the freedom in my very breath will check your wanton license." He spoke at considerable length, and it is generally agreed that he did so with great exertion of will power, intellect, and body; that, in the most distinguished and impressive language, he proposed the motion that was backed by the Senate in large numbers, "that the Roman people should rest assured that neither the counsel nor the loyalty of the Senate had ever failed the State"; and that (as is recorded in the list of resolutions) he was present at its drafting.⁴ This speech was, as it were, the swan song of this divinely gifted man,⁵ and we almost expected to hear it when, after his death, we used to come into the Senate House to see with our own eyes the very spot where Crassus had last stood. For as we heard, on that occasion, while speaking, he was seized by a pain in the side, and then broke out in a sweat. He began to shiver, returned home with a fever, and, after six days, died of pleurisy.

Oh, how deceptive are the hopes that we humans cherish, how fragile our fortunes, how vain our efforts, which are often wrecked and come to grief in mid-course, or sink while still at sea, before the harbor has come into sight! Throughout the period that the hard work of political campaigning occupied Crassus' life, he prospered more because of the personal services he rendered and his distinguished talents⁶ than because of his political prestige or the benefits that come with eminence. And then in the first year after he had held all the higher offices, when, with everyone's approval, the

³Consuls, praetors, and dictators (and other magistrates with *imperium*) had the right to "force someone into compliance" (*coercere*) by exacting pledges, which could be "destroyed" (*caedere*) in case the person did not obey. What practical form this took (especially in this case) is unclear.

⁴The fact that the motion was recorded in the list of resolutions implies that because of a veto (an *intercessio*) by a tribune or by Philippus, it could not count as a regular decision of the Senate (*senatus consultum*), only as an expression of its opinion.

⁵Swans were thought to sing, or to sing even more beautifully, when they were about to die. Socrates in Plato's *Phaedo* (84–85) interprets this as a sign of prophetic powers, and Cicero alludes to this notion by stressing Crassus' divine inspiration (3.4) and divine gifts.

⁶The "personal services" refer to his activities as a pleader, "talents" to his eloquence.

- avenue to the highest authority was opened to him, death overturned all the hopes and future plans that he had cherished.⁷ This was grievous to those who were dear to him, bitter to his country, and a serious blow to all good men.⁸ Nevertheless, such disasters befell the State that I am convinced that the immortal gods have not snatched Lucius Crassus' life from him, but have granted him the favor of death. He did not witness Italy blazing with war, nor the Senate burning with hatred, nor leading statesmen on trial for a hideous crime,⁹ nor the grief of his daughter, nor the exile of his son-in-law,¹⁰ nor the extremely bitter flight of Gaius Marius, nor that unparalleled, merciless slaughter after Marius' return,¹¹ in short, the disfigurement of the community in every respect—the community that, when highly prosperous, allowed him to outshine by far all others in glory.
- My reflections have touched on the power and inconstancy of fortune, but my account will not wander any further; it will confine itself largely to the very men who are part of the conversation that I have undertaken to record. Anyone, in fact, will rightly call the much-deplored death of Lucius Crassus a blessing, when he recollects what happened to these people, who talked to him then, almost for the last time. For we remember Quintus Cat-

⁷The terms in which Cicero here sketches Crassus' situation are similar to those he used in the description of his own in 1.1–2; verbal echoes reinforce this parallelism. The year to which Cicero refers is 91 BC; in 95, Crassus had held the consulship, and in 92 the high office of censor.

⁸As usual, "good men" has a political meaning. See Introduction, p. 5.

⁹Cicero first refers to the War with the Italian Allies (the *socii*), which broke out around the end of 91 BC and lasted until the end of 89. The mutual hatred within the Senatorial order was connected, among other things, with the handling of the "allied problem" (the demands for Roman citizenship by the allies; cf. 2.257 with note 232); e.g., Drusus, an adversary of Philippus (see 1.24–25 and 3.2) and a proponent of granting the Italians many of their demands, became more and more isolated in the course of the year, and was murdered toward the middle of October; this murder was an important factor behind the outbreak of the war. The "hideous crime" for which many "leading statesmen" were tried was "impairing the majesty of the Roman people" (approximately "treason"); the courts in question were especially established in 90 (by a law carried by a tribune, Quintus Varius Hybrida) for investigating the responsibility for the uprising of the allies; as usual, it was also used for attacking personal and political enemies. For all these issues, see CAH IX²: 104–128.

¹⁰Crassus' daughter was married to a Publius Cornelius Scipio Nasica, who was apparently one of the victims of the trials just mentioned.

¹¹Marius fled Rome in 88 BC to escape Sulla, who had turned his army against Rome and who wanted to regain the command in the East against Mithradates (which had been illegally transferred to Marius). Sulla left for the East at the end of the same year, and at the beginning of 87, Marius returned with the help of a newly raised army; the ensuing "purge" involved a number of brutal killings, some of which are mentioned below by Cicero.

ulus, an excellent man in all respects, being forced to take his own life, though he was begging not for the preservation of his position, but only for the opportunity to go into exile.¹² As for Marcus Antonius, it was on the same *rostra*¹³ where as consul he had so steadfastly defended the State, and which as censor he had decorated with his general's share of booty, that his head was placed, the head that, by its eloquence, had saved the civic status of many fellow citizens.¹⁴ Not very far from his head lay that of Gaius Julius Caesar, who had been criminally betrayed by his Etruscan host, together with that of his brother Lucius.¹⁵ This does make you think that the man who did not witness these events not only lived, but also died along with the State. For he did not witness his relative Publius Crassus, a man of true greatness of spirit, killed by his own hand, or the statue of Vesta spattered with the blood of his colleague, the chief priest.¹⁶ Because of his patriotic attitude, even the hideous murder of his bitter enemy Gaius Carbo, on that same day, would have caused him sorrow.¹⁷ He did not witness the horrible and wretched disasters that befell the very same young men who had then closely attached themselves to him. Gaius Cotta, whom he had left prospering, suffered defeat in the election for the tribunate just a few days after Crassus' death, because of feelings of hatred, and only some months after this, was expelled from the community.¹⁸ Sulpicius, having also been involved in the mutual hatred that had flared up, set out in his tribunate to rob of all their dignity and prestige those with whom he had lived on the closest terms as a private citizen. Just as he was beginning to win the highest renown for his eloquence, he had his life snatched away from him by the sword and paid the penalty for his rashness, not without great harm to the

¹²In the purge after Marius' return in 87 BC (above, note 11), Catulus was accused (by Gratidianus) at a show trial before the people, and, like his fellow defendant Merula, committed suicide before the verdict.

¹³For the *rostra*, the speaker's platform, see Glossary.

¹⁴Antonius was also killed in 87 BC, after Marius' return. (For "civic status" see note 144 at 1.181.)

¹⁵Gaius Julius Caesar is the interlocutor in our dialogue.

¹⁶Publius Crassus' death likewise took place in 87 BC. "His colleague, the chief priest," is Quintus Mucius Scaevola ("Pontifex"), who had been the colleague of Crassus (the interlocutor) in all magistracies except the tribunate and the censorship (cf. 1.180); in 82 BC, just before Sulla's return to Rome, the city praetor Damasippus summoned a Senate meeting and had four men who were suspected of Sullan sympathies killed, and one of them was this Scaevola.

¹⁷This Carbo was also among the four victims of Damasippus. He was the son of the man who had committed suicide when Crassus prosecuted him.

¹⁸Cotta was exiled as a result of one of the trials in the special courts (above, 3.8 with note 9).

- 12 State.¹⁹ I am convinced, Crassus, that divine providence was responsible both for honoring you with a prosperous life and for removing you by a timely death. For either you would have had to succumb to the cruelty of civil war's sword because of your courageous and steadfast character, or else, if some fortune had protected you from a horrible death, that same fortune would have forced you to be a spectator at the funeral of your country. You would have felt sorrow not only at the tyranny of the wicked, but even at the victory of the good, because of the slaughter of citizens that it brought with it.²⁰
- 13 For my part, my dear brother Quintus, when I reflect on the disasters that befell those about whom I have just spoken, and on the experiences that I myself have endured because of my incredible, singular love of country,²¹ I am often inclined to think that your judgment is sound and wise. In view of these many enormous and sudden disasters that have befallen the most illustrious and best of men, you have always urged me to abandon all those
- 14 vain efforts and struggles. But the choice is no longer open to me, and my heavy labors are made lighter because they are compensated by great glory. So let me go on and turn to the comforts that are not only agreeable when our troubles are allayed, but that can also be invigorating even while these troubles are still with us. Let me put on record the remainder of Crassus' account, which was almost the last conversation he had. Even if this record is by no means equal to his talents, yet let me thus, as the best expression of my devotion that I can manage, repay him the debt of gratitude that I owe
- 15 him. For when we read Plato's wonderful books, nearly all of which portray Socrates and which are certainly works of genius, surely none of us fails to imagine that there is something greater to the man they describe. I, similarly, ask this—not of you, who credit me with the best in all things, but of the others who take these volumes into their hands—to imagine that there is something greater to Lucius Crassus than my portrait of him will show.
- 16 For I was not present at the actual conversation, and have learned from Gaius Cotta only the general lines of the argument and the ideas brought forward in this discussion. So in reporting their conversation, I have tried to sketch exactly the type of speech that each of the two orators used, as I had come

¹⁹Sulpicius, as tribune of the plebs in 88 BC, among other things, opposed the (illegal) bid for the consulship by Caesar (the interlocutor), deposed the consul Pompeius Rufus (who had been associated with Drusus and Sulpicius), and (at least at first) opposed the recall of the exiles, among whom was Cotta (see previous note). The political background of all this is very difficult to reconstruct, but it is certain that Cicero's picture of Sulpicius' about-face as pure treachery is too simple. He was killed after Sulla's march on Rome in 88 (above, note 11). Cf. *CAH* IX²: 165–171.

²⁰"The tyranny of the wicked" refers to the regime between 87 BC and Sulla's return in 82 (see above, note 11), "the victory of the good" to Sulla's return. Cicero liked many of Sulla's conservative measures, but abhorred the cruelty of his revenge.

²¹For Cicero's own vicissitudes, cf. 1.1–3, and Introduction, pp. 8–9.

to know it. Perhaps some people, led by popular opinion, will think that either Antonius' way of speaking was more barren, or Crassus' richer than I suggest in my presentation of them; but such people either have not heard them speak, or are unfit to judge. As I have already explained earlier,²² both of them were not only superior to everyone else in terms of dedication, natural ability, and learning, but also perfect in their own type of oratory. Antonius' language was not wanting in the distinction here under examination,²³ nor was Crassus' too exuberant in this respect.

17–18 *Setting of the afternoon discussion*

Well then, after they had broken up before noon and had taken a little rest, Cotta noticed, as he reported,²⁴ the remarkable fact that Crassus devoted this entire midday break to intense, concentrated thinking.²⁵ Cotta was well familiar with the look on Crassus' face when he had to speak, and with his fixed gaze when he was thinking, having often seen this when Crassus was engaged in a very important case. On that occasion, having deliberately waited until the others were resting, he went into the alcove where Crassus had reclined on the couch that had been placed there for him, but when he realized that Crassus was totally absorbed in thinking, he immediately withdrew, and some two hours thus passed in silence. Then, when it was already getting on in the afternoon, all came to join Crassus, and Caesar asked, "What do you say, Crassus, shall we sit down? Though we are here to remind you, not to press you." "Do you really suppose," Crassus then replied, "that I am so shameless that I think I can be in your debt any longer, especially concerning this obligation?" "But where, then?" asked Caesar. "Does the middle of the grove suit you?"²⁶ That is a very shady and very cool place." "All right," said Crassus. "In fact, there is a place there where we can sit that is rather convenient for this conversation that we are going to have." Since this also suited the others, the company went into the grove and sat down there, full of anticipation for what they would hear.

²²See 2.2–4 and 11.

²³"Distinction" (*ornatus*) is the most important part of style, and it is style that has been announced as the main subject of the third book. At the same time, the term as Cicero uses it has wider implications, which will be brought out in the broadening of the subject in the course of the discussion; see Glossary.

²⁴Recall that it was Cotta who had reported the conversation of *De oratore* to Cicero (cf. 1.26–29).

²⁵After Crassus' association with Socrates in 3.6 (see note 5), the description of Crassus' concentration in what follows is again meant to recall a famous Platonic vignette of Socrates. In Plato's *Symposium* (175 A–D), Socrates, before going to Agathon's banquet, waits outside at the neighbor's house, absorbed in reflection, and this, it is said, is an activity that he regularly practices.

²⁶The "grove" is meant to recall the grove of Plato's Academy.

19–212 STYLE

19–24 *Words and content*

- 19 "Because of your authority and your friendship," Crassus began, "and because Antonius has been so obliging, I am deprived of the possibility of refusing, even though my case for doing so is very strong.²⁷ Nevertheless, in assigning the parts for our discussion, when he took it upon himself to deal with the things an orator must say, while leaving it to me to discuss how they must be given a distinguished style, he divided two things that cannot exist separately.²⁸ For since all discourse is made up of content and words,
- 20 the words cannot have any basis if you withdraw the content, and the content will remain in the dark if you remove the words. For my part, I have the impression that those great men of the past, having grasped in their minds something of a higher order, have thereby seen much more than our mind's eye, today, is able to contemplate²⁹: they said that all the universe above and below us is a unity and is bound together by a single, natural force and harmony. For there is nothing in the world, of whatever sort, that can either exist on its own if it is severed from all other things, or that can be dispensed with by the other things if they are to preserve their own force
- 21 and eternal existence. But if this conception seems too vast for mortal senses or thought to comprehend, there is also this true saying of Plato's, which is certainly familiar to you, Catulus: that all the teachings of our noble and humane arts are held together by one common bond.³⁰ Since, once it is perceived how forceful the method is on which the knowledge of causes and outcomes is based, there emerges, so to speak, an agreement and harmony
- 22 between all disciplines that is quite extraordinary.³¹ But if this also seems too lofty for us to be able to raise our eyes to it—in our lowly position upon

²⁷See the end of Book 2 (2.361–367).

²⁸For this "division of labor," see 2.123 and 350; for Crassus' protest, already 2.366.

²⁹"Those great men of the past" to whom Crassus refers are the Eleatic philosophers (6th–5th century BC), who proclaimed that the universe is One (see e.g., Cicero, *Lucullus* 118 on Xenophanes). The idea to which he alludes in what follows, however, is more specifically the (contemporary) Stoic concept of "cosmic sympathy" (Greek συμπαθεία; see especially Cicero, *On Divination* 2.33–34); it is probable that the Stoics claimed the Eleatics as their forerunners in this idea.

³⁰"Our noble and humane arts" refers to what are commonly called the *artes liberales*, i.e., the "arts" that it befitted a free man to learn (especially grammar, rhetoric, dialectic, music, and mathematics). The saying was originally found in the pseudo-Platonic *Epinomis*, 991 E5–992 A1; there, however, the bond (δεσμός, in Greek) is between the mathematical arts only. By Cicero's time, the saying was obviously known in isolation from its original context, and had been reinterpreted to refer to the *artes liberales* (cf. also, Cicero, *In defense of Archias*, 2). See also next note.

³¹I.e., the disciplines are united through the causal principles underlying the world. This is also a radical reinterpretation of the original "saying," since in the *Epinomis* not only are the arts the mathematical ones, but the bond is probably also of a mathematical nature.

the ground—, we should at least know and understand that which we have embraced, the profession we lay claim to, the task we have taken upon ourselves. For, as I said yesterday, and as Antonius indicated at several points in this morning's conversation,³² eloquence forms a unity, into whatever realms or areas of discourse it travels: whether it is speaking about the nature of the heavens or of the earth, or about divine or human nature, whether in trials, in the Senate, or from the *rostra*,³³ whether its purpose is to urge people on or to teach them or to deter them, or to stir them or to curb them, or to kindle their emotions or to calm them, whether its audience be few or many, or strangers or one's friends or oneself: speech is like a river, branching out into little streams, yet issuing from the same source; and in whatever direction it goes, it is attended by the same equipment and adornment.³⁴ But we are now laboring under the opinions not only of the crowd, but also of half-educated people. They find it easier to deal with things they cannot grasp in their entirety, if they split them apart and almost tear them to pieces, and they separate words from thoughts just like a body from its soul—which in both cases can only wreak destruction.³⁵ In my discussion, therefore, I will undertake no more than is assigned to me.³⁶ I would only indicate briefly that discovering³⁷ words for a distinguished style is impossible without having produced and shaped the thoughts, and that no thought can shine clearly without the enlightening power of words.

25–37a Preliminaries to style: the variety of eloquence

"But before attempting to touch upon the ways of lending distinction to a speech and giving it brilliance and clarity, I will first briefly formulate my views about oratory as a whole. It seems to me that every category of natural phenomena includes many things that are different from one another but are nevertheless equally highly valued. For instance, all of the many delightful sounds caught by our ears consist of tones, but they are often so var-

³²"Yesterday," i.e., in Book 1 (see especially 1.49–73 and 158–159); "in this morning's conversation," i.e., in Book 2 (see especially 2.34–38, 41–73, 337).

³³Literally, the Latin says, "whether from a lower, equal, or higher place," which is more general than our translation suggests (see LPW). The chief reference, however, does seem to be to the main three physical spheres of activity for an orator: speaking from below the jurors, who were seated on a raised platform, to senators on an equal level in the Senate, and to the people from the elevated level of the speaker's platform (the *rostra*).

³⁴The metaphor in "equipment and adornment" (*instructu ornatuque*) suggests richness of both content and form. See again Glossary at *ornatus*.

³⁵Crassus here alludes to the rhetoricians: in standard rhetoric, content (invention and arrangement) and words (style) were treated separately.

³⁶This concession mirrors the concession made by Cicero in his own person in 1.22; it is likewise a temporary one.

³⁷Crassus deliberately chooses the word usually employed for the "discovery" of content, i.e., for "invention" (*invenire, inventio*).

- ied that what you have heard last seems most pleasant. The number of pleasing sensations gathered by our eyes is almost infinite, but the manner in which they captivate us is such that they delight this one sense in different ways. Each of the other senses is also charmed by dissimilar pleasures, so
- 26 that it is always difficult to judge which experience is most agreeable. This feature of natural phenomena can be observed in the arts as well. There is one art of sculpture; among its most outstanding practitioners were Myron, Polyclitus, and Lysippus, all of whom were different from one another, but still in such a way that you could not wish any one of them to be different from what he was. There is one systematic art of painting, yet Zeuxis, Aglaophon, and Apelles are entirely different from one another; but there is not one among them whose art seems deficient in any respect. And if this is surprising but still true in the case of these so-called silent arts, it is certainly much more surprising in the case of speech, that is, language. Although this is invariably concerned with words and thoughts, it admits of the most striking differences—not in the sense that some deserve praise and others criticism, but in the sense that the people who are generally agreed to deserve praise are, nonetheless, praised as representatives of dissimilar
- 27 types.³⁸ In the first place, in the case of the poets (who are closely akin to the orators), we can observe how different Ennius, Pacuvius, and Accius are from one another, and among the Greeks, Aeschylus, Sophocles, and Euripides. Yet in their different types of writing, they are all accorded almost equal merit.³⁹
- 28 “Now turn your eyes to the people whose skill we are examining, to the orators, and look at how different their aims and abilities are: Isocrates had charm, Lysias refined precision, Hyperides pointedness, Aeschines sonority, Demosthenes force. Surely each of them was outstanding, while at the same time resembling no one but himself. Scipio had weight, Laelius gentleness, Galba fierceness, Carbo a sort of fluency and melodiousness. Surely each of these men was an eminent speaker in those days. At the same time, each
- 29 was eminent in his own type. But why should I actually search for old examples when I have the opportunity to use living ones who are here with us? Our ears have certainly never been struck by anything more pleasant than the language of Catulus here. It is so very pure that he seems almost the only one who speaks Latin. It is impressive, but its unique dignity is still combined with all possible humanity and charm. What more should I say? Whenever I listen to this man, my personal judgment about the way he speaks is always that even the smallest addition or alteration or subtraction
- 30 would diminish its perfection and make it worse. What about our friend

³⁸“Type” (Latin, *genus*), here and in what follows, is not to be taken as a technical term; nor, with respect to oratory, does it denote only style, for it covers all aspects of an orator’s performance. The usual assumption that *genus* refers in a technical way to style is untenable, for this as well as many other passages; the word is as general and vague as are “sort, kind, type, class” in English. Cf. LPW: 147–148.

³⁹All six are tragedians, which makes their variety all the more remarkable (Ennius is here obviously mentioned as such, although he wrote many other works).

Caesar here? Hasn't he come up with a new approach to oratory, and introduced an almost unique type of speaking? Did anyone except him ever treat tragic subjects almost in the manner of comedy, gloomy subjects lightly, serious ones cheerfully, and the business of the forum with a charm almost like that of the stage? Nevertheless, the importance of these subjects does not preclude his humor, while his jokes do not diminish his seriousness.⁴⁰ And look, we have two close contemporaries present here, Sulpicius and Cotta. Where could we find a greater difference? And where could we find people who are more outstanding in their own types of oratory? The one is polished and precise, setting out his case in proper and fitting words.⁴¹ He always sticks to the issue, and when his sharp eyes have seen what he must prove to the jurors, he leaves aside all other arguments, focusing his attention and his speech on that point.⁴² Sulpicius, on the other hand, has enormous mental vigor and a very rich and strong voice; his body is full of energy, his movements dignified, and his language is also so impressive and copious that his natural abilities seem to make him better equipped for oratory than anyone else.

31

"I now return to us, since it has always been our fate that when people talk about us, we are, so to speak, brought before a court, as if there were some legal conflict between us. There can surely be no greater difference than between Antonius' oratory and mine, since he is an orator of such stature that no one could be more outstanding, and I—well, although I am really dissatisfied with myself, I am still especially linked and compared with him. You know what Antonius' type of oratory is like. It is vigorous, vehement, excited in delivery, fortified and protected on every side of the case, intense, precise, to the point, lingering on each and every aspect, giving ground without dishonor, pursuing vigorously, intimidating, begging, displaying the greatest possible variety of expression, without ever satiating our ears. When you look at me, on the other hand, whatever my speaking abilities are (I know you think I am of some account), there is certainly a great difference between his type of oratory and mine. What mine is like is not for me to say, because everyone is least known to himself, and can form an opinion about his own qualities only with great difficulty. Nevertheless, you can understand the nature of the difference when you consider that my abilities in movement are only average, that I almost always conclude my speech along the same lines that I followed in the beginning, and

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⁴⁰Part of Crassus' phrasing in this section recalls Caesar's activity as a writer of drama (tragedies). Normally, the world of the stage was considered too lowly for a Roman orator; Caesar's ability to use an approach that recalled the stage without losing his dignity was therefore one of the paradoxical features of his oratory.

⁴¹"Proper words" are such as are used in their proper meaning, i.e., nonmetaphorical, usual words. That words should be "fitting" was a generally accepted requirement of style (cf. 1.144; 3.37).

⁴²That is, Cotta always strictly concentrated on the "point of decision" (*iudicatio*, κρινόμενον; see 2.132 with note 95), excluding other rational arguments, as well as *ethos* and *pathos*.

that I am considerably more tormented and anxious in choosing words than in choosing thoughts, for fear that my speech, if it is a little too trite, may seem not to have deserved the high expectations and silent attention of the audience.⁴³ Between all of us here, then, there are great differences, and each of us has clear and specific traits. And amid this variety, the better is generally distinguished from the worse more by ability than by the type to which each belongs, and everything that is perfect in its own type is praised. So don't you think that if we chose to include all orators who are or have ever been active anywhere, we would have to say something like, 'so many orators, so many types of speaking'?

"Perhaps my argument will give rise to a further notion: if there is indeed an almost countless number of, let us say, forms and kinds of speaking, different in appearance but praiseworthy in their own types, then these mutually different things cannot be molded by the same rules and by one method of instruction. But this is not true. It is the responsibility of those who provide instruction and education to observe very carefully where each pupil's natural abilities seem to lead him. In fact, when we look at the schools run by expert teachers who were superior in their own different types, we see that each one produced pupils who were different from one another and still praiseworthy, since every teacher adapted his instruction to the natural abilities of each individual pupil. The most striking example of this (to leave aside the other arts) is probably that the incomparable teacher Isocrates said that he always used the spurs on Ephorus, but the bridle on Theopompus.⁴⁴ He checked the latter, who was unrestrained in his bold use of words, while he urged on the former, who was hesitant and modest, so to speak. Yet he did not make them alike; he added to the one and filed away from the other only as much as was necessary to reinforce in each what his natural abilities allowed.

"I had to make these preliminary remarks for a specific reason: my suggestions may not all fit the aims of each of you and the type of oratory that each of you favors, so I wanted you to realize that I am describing the type that I myself favor most.

37b–38 *Introduction of the four qualities of style*

"Well then, the orator must deliver the material discussed by Antonius, as well as express it in a certain way. And tell me, is there a better way of expression—for I will see to delivery later⁴⁵—than to speak correct Latin, clearly, with distinction, and in a manner that is suitable and appropriate to the particular matter at issue?⁴⁶ Now I don't think that I am expected to give

⁴³Cicero thus again makes it clear that Crassus is the right person to discuss style; see Introduction, p. 13.

⁴⁴For these two historians and (alleged) pupils of Isocrates, see Index.

⁴⁵In 3.213–227.

⁴⁶Crassus here refers to the four qualities around which his discussion of style will be built, and which he already mentioned in 1.144; see Introduction, pp. 35–36.

an account of the two elements that I mentioned first, pure and lucid language. For we do not attempt to teach someone to speak who doesn't know how to talk, and we cannot hope, if someone cannot speak correct Latin, that he is going to speak with distinction—or, for that matter, if someone cannot say something that we might understand, that he will be able to say something that we might admire. So let us leave these two elements aside. Learning them is easy, using them is indispensable. For the first is taught when we are learning our ABCs in our elementary lessons, and the reason for applying the second is to ensure that everybody will make himself understood—which is indeed indispensable, but nevertheless only a minimum prerequisite.

39–51 *The first two qualities of style: correct Latin
(especially pronunciation) and clarity*

“Still, every aspect of refined diction, though it can be polished by a knowledge of grammar, can nonetheless be developed by reading the orators and the poets.⁴⁷ For almost all of the ancients, though they were not yet able to impart distinction to what they said, expressed themselves very well, and people who have become accustomed to their language cannot fail to speak anything but correct Latin, even if they should try. This is not to say that we should employ the words that are not employed in normal usage anymore, except sparingly, for the sake of imparting distinction to what we say, as I will point out later.⁴⁸ But in the employment of words in common use you will be able to use the choicest among them if you have thoroughly and devotedly immersed yourself in the writings of the ancients.

“But in order to speak correct Latin we must not only be careful to utter words that no one might justifiably criticize, and to use them in the proper case, tense, class, and number, so that there is no confusion, want of agreement, or incorrect order⁴⁹; but we must also control our tongue, our breath, and the actual sound of our voice. I don't like letters to be overarticulated with too much affectation, and I don't like them to be obscured by being pronounced too carelessly; I don't like words to sound thin by being pronounced with too little breath, and I don't like them to be puffed up and uttered, as it were, with too full and heavy a breath. As to the voice, I am not yet speaking about the points that fall under the category of delivery, but about what, as it seems to me, is somehow connected with the normal use

⁴⁷Grammar was largely based on literature, and usually included some examination of poetry (see Glossary). Crassus, however, proceeds to recommend more thorough reading.

⁴⁸See 3.153.

⁴⁹As elements of correct Latin, Crassus first mentions the two categories of school rhetoric, word choice and correct “syntax.” (The ancients had no complicated notion of syntax in our sense; the relevant concepts here are morphological regularity and grammatical agreement between the elements of a sentence.) The description of the latter is brief and untechnical, partly because some of the terms are applicable to both the verb and the noun.

- of language. There are, of course, certain faults that everyone wants to avoid: a voice that is soft or effeminate, or unmusically harsh, so to speak, and discordant. But there is also a fault that is cultivated intentionally by some people. There are those who delight in a countrified and coarse pronunciation because they think that if their language sounds this way, it will seem to preserve more of the past. For example, Lucius Cotta, who is a close friend of yours, Catulus, seems to me to take great delight in a heavy pronunciation and a coarse-sounding voice, and he imagines that what he says will seem truly old if it comes straight from the country. I myself take pleasure in the sound of your voice, Catulus, and in your refinement. I won't mention the refinement in choice of words, fundamental though it is; this is provided by theory, taught by grammar, and strengthened by daily practice in both reading and speaking. What I mean here is a pleasant sound produced by the mouth itself. In the Latin language this belongs especially to the city of Rome, just as in Greece it belongs to the inhabitants of Attica.⁵⁰ In Athens, learning among the Athenians themselves has long since perished, and the city has remained merely the seat of several branches of study. The citizens themselves are not involved in them at all, but foreigners⁵¹ avail themselves of them, somehow captivated by the name and prestige of the city. Nevertheless, any unschooled Athenian will easily outdo the most erudite people from Asia, not in their choice of words, but in the sound of their voice, and not so much in the correctness as in the pleasantness of their language. People in our city are less devoted to literary pursuits than are the people from Latium. Nevertheless, among those in the city whom you know and who have very little familiarity with literature, there is no one who, in terms of the smoothness of his voice or the sound of his distinct pronunciation, is not easily superior to the most literate man of all those who wear the toga,⁵²
- Quintus Valerius from Sora.⁵³ Thus, there is a particular kind of accent characteristic of the Romans who are from the city itself, in which there is nothing that can give offense, nothing unpleasant, nothing to provoke criticism, and nothing to sound or smell of foreignness. So let us cultivate this accent, and learn to avoid not only countrified roughness, but also peculiar foreign pronunciation.

⁵⁰Attica was the territory around, and including, Athens. The dialect spoken in Athens is therefore known as "Attic" Greek.

⁵¹The foreigners in Athens were, as the sequel shows, primarily Greeks from Asia (i.e., Asia Minor). Romans, of course, also visited the city for their education, but that became more common only in Cicero's own generation, having been less normal in the time of Crassus and Antonius.

⁵²I.e., the inhabitants of Rome and its surroundings, including Latium (the area south-east of Rome). The toga was apparently the traditional dress of all these people, though it was sometimes, as in 1.111, considered typical of Roman citizens (not all the people from Latium had citizenship in 91 BC, the dramatic date of the dialogue; cf. note 9 at 3.8).

⁵³Sora was a town in (Greater) Latium, about 60 miles east of Rome, and near Cicero's home town Arpinum.

"I must say that when I hear my mother-in-law, Laelia, speaking—for the old pronunciation is more easily preserved intact by women; they are not exposed to the language of a lot of people, so they always hold on to what they originally learned—anyway, when I hear her speaking, I seem to be hearing Plautus or Naevius. The actual sound of her voice is so straightforward and unaffected that there is obviously nothing ostentatious or inauthentic to it. From this I conclude that this was the way her father used to speak, as well as her ancestors—not roughly, like the man I mentioned,⁵⁴ nor in a harsh or countrified or disjointed way, but distinctly and steadily and smoothly. For this reason, it seems to me, Sulpicius, that this friend of ours, Lucius Cotta, whose broad sounds you sometimes imitate when you drop the letter I and pronounce a very full E instead,⁵⁵ is imitating farmhands rather than the orators of the past."

Sulpicius himself laughed at this, and Crassus said, "This is the way I'll deal with you: since you wanted me to talk, I'll be telling you a bit about your own faults." "If only you would!" Sulpicius replied. "For that is precisely what we want, and if you do so, we will probably lay aside many of our faults here today." "But surely," said Crassus, "I cannot criticize you, Sulpicius, without risk to myself, because Antonius said that he thinks that you very much resemble me."⁵⁶ "He did so," said the other, "when he advised us to imitate the strongest points in each of our models.⁵⁷ Accordingly I fear that I have imitated nothing from you but the stamping of your foot, a few expressions, and perhaps some movements." "Then I will not criticize the points you've gotten from me," said Crassus, "in order not to make fun of myself—though they are much more numerous as well as more important than you say. But the qualities that are either clearly your own or that you have formed by imitating someone else, of these I will remind you, if there happens to be an occasion that prompts me to do so."

"Let us, then, pass over the rules for speaking correct Latin, which are taught in our elementary lessons, fostered by a more precise, systematic knowledge of grammar, or by the practice of daily conversation at home, and strengthened by books and the reading of the ancient orators and poets. And really, let us not spend more time on the second point, on discussing in what ways we can see to it that what we say will be understood—obviously by speaking correct Latin, by employing words in common use that properly designate the things we want to be signified and indicated, by avoiding ambiguous words or language, excessively long periodic sentences, and spun-out metaphors, by not breaking up the train of thought, confusing the chronology, mixing up people, or muddling the order. Why say more? The whole thing is so easy that I am often absolutely astonished that it is so

⁵⁴Lucius Cotta, see 3.42 above.

⁵⁵E.g., in the country the word *villa* was probably pronounced *vella* (Varro, *On Agriculture* 1.2.14).

⁵⁶See 2.89.

⁵⁷See 2.90–92.

difficult to understand what a pleader is trying to say—more difficult than it would be if the person who actually enlists the pleader were speaking about his case himself. The instruction we get from the people who entrust their cases to us is usually so satisfactory that you couldn't ask for a clearer statement. But as soon as Fufius or your contemporary Pomponius⁵⁸ begins to treat the same material, I don't understand them as clearly, unless I pay really close attention—so confused and muddled are their speeches that nothing comes first, nothing second, and there is such a jumble of strange words, that the speech, which ought to shed light on the content, actually obscures and darkens it, and they somehow seem to drown themselves out when they are speaking.⁵⁹ But I expect that, at least to you, the older ones here, these subjects are pretty tiresome and pedantic. So if you don't mind, let's move on to the other points, which are a little more troublesome.”

“Actually,” said Antonius, “I'm sure you see how little attention we are paying, how grudgingly we are listening to you. No (I can guess this when I look at myself), we can be made to abandon everything else to become your followers and listen to you. You discuss what is crude with such brilliance, what is barren with such fullness, and what is common with such originality!”

52–55 *True eloquence and the remaining two qualities of style (distinction and appropriateness)*

52 “That, Antonius,” Crassus replied, “is because the two parts that I just ran through, or rather, virtually passed over, are so very easy—speaking correct Latin and speaking clearly. The parts that remain are important, intricate, varied, and difficult, and on them alone depend the admiration for our talents and the praise of our eloquence. Nobody has ever admired an orator for speaking correct Latin; if he doesn't, they actually make fun of him, and not only consider him no orator, but not even a human being. Nor has anyone ever extolled a man for having spoken in such a way that those present understood what he was saying; on the contrary, everyone has always despised people who proved incapable of doing so. Who is it, then, who sends shivers down your spine? At whom do people stare in stunned amazement when he speaks? For whom do they cheer? Whom do they consider, if I may use the expression, a god among men? Certainly those whose speech is well shaped, is unfolded with clarity and abundance, and is brilliant, both in its content and in its words, and who, where the actual form of the speech is concerned, produce something resembling rhythm and verse⁶⁰—that is, those who practice

⁵⁸Crassus is still addressing Cotta and Sulpicius, for Pomponius was their (near-)contemporary.

⁵⁹Both these orators often shouted when speaking (for Fufius, cf. 2.91; for Pomponius, *Brutus* 221).

⁶⁰By mentioning “something resembling rhythm and verse,” Crassus anticipates his account of prose rhythm, much later in the book (3.173–198). “Verse,” as he indicates, is not to be taken literally; elsewhere, he indeed emphasizes the difference with the poets in this respect (cf. 1.70, 3.175, 182, and 184).

what I call speaking with distinction. Those who also regulate their speech in the way required by the relative importance of the subject matter and the people concerned, deserve praise for the quality that I call suitability and appropriateness.⁶¹ Antonius denied that he had ever yet seen such speakers, and said that to them alone the title of eloquence should be awarded.⁶² For this reason you have my blessing when you deride and scorn all those people who imagine they have embraced the entire power of oratory by using the precepts of the rhetoricians, as they are nowadays called, but who have never yet been able to understand what role they are assuming or what claim they are making. For the true orator ought to have examined and heard and read and discussed and thoroughly treated all aspects of human life, since it is with them that the orator is engaged, and it is this that constitutes his material. Eloquence, after all, has its own place among the supreme virtues. Of course, all the virtues are equal and equivalent, but still, one is more beautiful and splendid in appearance than another.⁶³ This is the case with the power that I am talking about: having acquired all-embracing knowledge, it unfolds the thoughts and counsels of the mind in words, in such a way that it can drive the audience in whatever direction it has applied its weight. And the greater this power is, the more necessary it is to join it to integrity and the highest measure of good sense. For if we put the full resources of speech at the disposal of those who lack these virtues, we will certainly not make orators of them, but will put weapons into the hands of madmen.⁶⁴

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56–62 *The original unity of speech and knowledge and its destruction*

“I contend that this method of thought and expression, this power of speaking is what the Greeks of old called wisdom. This is what produced people

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⁶¹Crassus here refers to the two remaining (of the four) qualities of style announced in 3.37. His grandiose description of especially the first (speaking with distinction), however, is unlike the technical ones found in the handbooks, and this prepares the way for the broadened scope of what follows.

⁶²Crassus here refers to Antonius’ “little book” (*libellus*), first mentioned by Antonius himself in 1.94 (see there, with note 69).

⁶³Crassus here refers half-ironically to Stoic ideas (defended in almost the same words by Mnesarchus in 1.83). He starts by accepting their estimation of eloquence as a virtue, but in doing so talks of “supreme virtues,” which is markedly un-Stoic, because to them, all virtues are equal. He proceeds, therefore, to “apologize,” conceding that all virtues are indeed equal—only to qualify this again by saying that some are more beautiful than others. Eloquence, of course, is one of the more beautiful ones! (see LPW: 198–200).

⁶⁴This section is the only one in which Cicero places a moral demand on the (ideal) orator; perhaps surprisingly, this plays no further part in the work. Note that Crassus (Cicero) does not say that supreme eloquence, which is based on knowledge, will automatically be morally upright; on the contrary, it is “necessary” to join such powerful eloquence to moral qualities (see further, Introduction, pp. 11–12). The comparison with giving weapons to a madman goes back to Plato’s *Gorgias* (456 C–457 C, and especially 469 C–470 C), but had probably become widespread.

like Lycurgus, Pittacus, and Solon,⁶⁵ and from something analogous to it came Romans like Coruncanius, Fabricius, Cato, and Scipio (although the latter were perhaps not as learned, they were driven by a similar mentality and disposition). Others, who had the same intelligence but a different attitude toward the goals of life, chose an existence of peace and leisure, such as Pythagoras, Democritus, and Anaxagoras. They transferred their attention entirely from the government of communities to the study of the universe. Because of the tranquillity this brought with it and because of the attractiveness of pure knowledge, which is more pleasant for a human being than anything else, more people took delight in this style of life than was

57 beneficial for the states in which they lived. It was precisely the most gifted people who devoted themselves to this pursuit. Thus, on account of their unlimited supply of unoccupied, free time, these very learned people, richly gifted as they were with too much leisure and extremely fertile intellects, came to think that many more things were worthy of their care and their devoted investigations than was really necessary. For the old form of learning seems to have taught both right actions and good speech. Nor were the teachers separated from each other, but the same people gave instructions for living and for speaking, such as Phoenix in Homer, who says that Achilles' father Peleus had assigned him to the young Achilles to accom-

58pany him to the war, in order to make him 'a speaker of words and a doer of deeds.'⁶⁶ But when people who are used to uninterrupted, daily labor are prevented from work because of the weather, they often turn to ball games and dicing,⁶⁷ or even think up some new game for themselves during their leisure time. Something similar happened to the people I mentioned. Being either shut out from the affairs of state, just as from work, by the stormy circumstances of the time,⁶⁸ or having taken time off from these of their own accord, they transferred their attention entirely, some to the poets, some to

⁶⁵Pittacus and Solon were two of the Seven Wise Men, and Lycurgus was an early lawgiver of Sparta. All are here seen as statesmen, which was not unusual. In the quarrel between rhetoricians and philosophers (on which, see Introduction, pp. 20–26), these figures were claimed by both camps: the rhetoricians said that they were orators, and used this as an argument for the value of rhetorical rules; the philosophers claimed that they were thinkers, and used this as an argument for the value of philosophy. Crassus takes an emphatic middle position: these people were thinkers as well as orators (but the latter here implies the value of oratory, not of rhetorical rules). Cf. LPW: 215–216.

⁶⁶Crassus here paraphrases *Iliad* 9.438–443, ending with a translation of 443. The line, and the position of eloquence in the Homeric epics in general, was probably a bone of contention in the quarrel between the rhetoricians and philosophers. The exact positions of the two camps are somewhat obscure, but Cicero clearly takes an idiosyncratic stand (as on Lycurgus et al.; cf. above 3.56 with note 65).

⁶⁷In the Latin, Crassus actually mentions two forms of dicing, one with four-sided knucklebones (*tali*), and one with six-sided dice (*tesserae*).

⁶⁸Cicero is here probably thinking about his own exile in 58–57 BC and his political isolation in the 50s (see Introduction, p. 9).

mathematics, some to music; and others, such as the dialecticians,⁶⁹ even produced a new game for themselves to pursue. And in these arts, which were devised to educate children's minds in humane culture and virtue, they spent all of their time—yes, their whole lives.

"As I said, however, there were people (and not a few of them) who either prospered in the state because of this twofold wisdom in action and speech, which cannot exist when split apart (for instance Themistocles, Pericles, and Theramenes⁷⁰), or who were not themselves involved in the state, but were still teachers of this same wisdom (for instance Gorgias, Thrasy-machus, and Isocrates). But in reaction to this, others appeared who on their part were amply endowed with learning and natural ability, but shirked politics and its responsibilities on deliberate principle; they criticized and scorned this practice of speaking. The most important among them was Socrates. According to the unanimous testimony of the learned and the verdict of the whole of Greece, he easily ranked above all others, wherever he directed his attention—not only because of his intelligence, acumen, charm, and refinement, but also because of his eloquence, variety, and fullness.⁷¹ The people who discussed, practiced, and taught the subjects and activities we are now examining bore one and the same name (because knowledge of the most important things as well as practical involvement in them was, as a whole, called 'philosophy'⁷²), but he robbed them of this shared title. And in his discussions he split apart the knowledge of forming wise opinions and of speaking with distinction, two things that are, in fact, tightly linked. (His genius and his varied conversations were rendered immortal by Plato in his writings, since Socrates himself had left not a single written syllable.) This was the source of the rupture, so to speak, between the tongue and the brain,⁷³ which is quite absurd, harmful, and reprehensible, and which has resulted in our having different teachers for thinking and for speaking.⁷⁴ For

⁶⁹The study of the poets was part of the ancient art of "grammar" (cf. Glossary); for dialectic, see Glossary.

⁷⁰Athenian statesmen of the 5th century BC (for details, see Index). Through Crassus' mention of Themistocles and Pericles, Cicero distances himself from Plato, who, in a famous passage of his *Gorgias* (515 B–517 A), attacked these two (together with Cimon and Miltiades) for misusing their eloquence.

⁷¹Note that Crassus stresses the paradoxical nature of Socrates' attitude by saying that he was himself truly eloquent.

⁷²This claim is generally correct: in early Greek, the word *philosophia* (φιλοσοφία) had a much broader meaning than after, say, 300 BC: it included knowledge of a practical kind, especially about politics. It is doubtful, however, whether the actual practice of politics was also included in its meaning, as is here claimed; Cicero may be wrong, or may be deliberately exaggerating.

⁷³Literally, "between the tongue and the heart"; the heart was considered the seat of the intellect.

⁷⁴In the preface to his early *De inventione* (1.1–5), Cicero posited a similar rupture, but there he put it in a vague, distant past; there are also other, essential differences (cf. LPW: 219).

many people virtually took their origin from Socrates, since different followers seized upon different aspects of his discussions, which had been varied and diverse and had branched out in all directions. Thus, mutually disagreeing families, so to speak, were bred, which were very much distinct and dissimilar, though all philosophers still wanted to be called followers of Socrates, and indeed believed that they were.⁷⁵ In the first place, from Plato himself came Aristotle and Xenocrates, whose schools were respectively called Peripatos and Academy.⁷⁶ Next, from Antisthenes, who, in Socrates' conversations, had been captivated particularly by the ideas about endurance and hardness, came first the Cynics, and then the Stoics. From Aristippus, finally, who had been more delighted by Socrates' discussions about pleasure, came Cyrenaic philosophy, which he and his descendants used to defend candidly and without qualification—whereas those who today measure everything by the standard of pleasure,⁷⁷ while doing so with greater modesty, neither satisfy the claims of the honorable, which they do not reject, nor manage to defend pleasure, which they want to embrace. There were also other families of philosophers, almost all of whom claimed to be followers of Socrates: the Eretrians, the Erillians, the Megarians, and the Pyrrhonians. These, however, were crushed and wiped out long ago by the forceful arguments of the schools now still in existence.⁷⁸

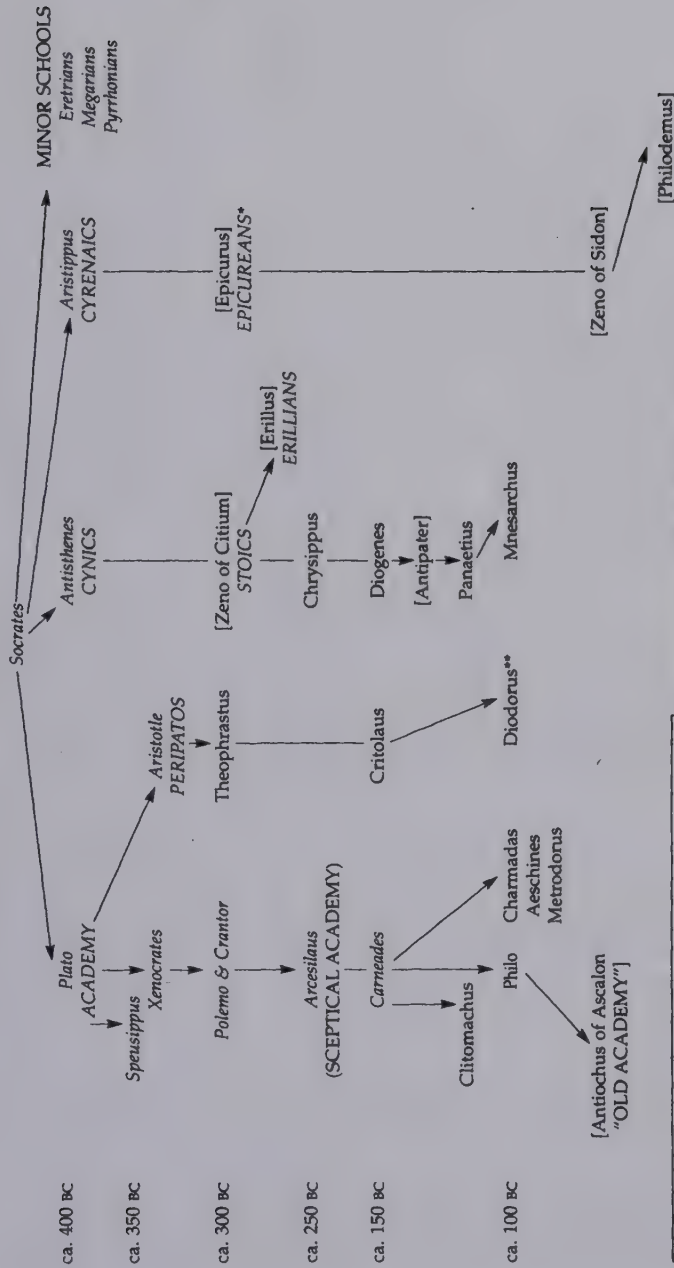
⁷⁵This reasoning ("For many people . . ."), of which the following sections are partly a development (3.62–68), explains why the activity of Socrates has been decisive for bringing about the rupture just mentioned: for all their great differences, all later philosophers were his followers, and thus "inherited" his hostility to eloquence.

⁷⁶In this section, Cicero (through Crassus) presents a "family tree" that comprises all existing philosophical schools; see Diagram. Such "family trees" were known as "Successions of the Philosophers," since they were built around the lines of succession in the philosophical schools, where each head on his death or resignation was succeeded by the next. These "Successions" were a common way of organizing the history of these schools, even though they involved a number of unhistorical and forced links; the approach is best known from Diogenes Laertius' compendium on the lives and doctrines of the ancient philosophers (written probably shortly after 200 AD). Cicero's version differs from all other variants that have come down to us in two ways, both of which are meant to make the schema as comprehensive as possible, and thus to tie all the philosophers clearly to Socrates (see previous note): (1) he adds the Epicureans (see next note); (2) at the end of this section, he adds a list of the schools that are no longer extant; such lists were normally found in a different context (see below, note 78). For details, see LPW: 220–223.

⁷⁷That is, the Epicureans, whose name is avoided also in the more extensive treatment in 3.63–64. The same criticism of inconsistency is found elsewhere (*On the Highest Good and the Highest Evil* 1.23, 26; 2.114). In line with what is said at the end of 3.61, Cicero here suggests (but is careful not to say) that the Epicureans were also followers of Socrates; this was not true, but in this way, Cicero can also force them into his explanation of the philosophers' hostility to eloquence (see the two previous notes).

⁷⁸All of these "schools" (some of which were probably not formally organized) had apparently disappeared well before 200 BC (for details, see Index). Lists such as these were normally found in the context of the so-called "division of Carneades" (cf., e.g., *On the Highest Good and the Highest Evil* 5.16–23).

THE "SUCCESSIONS OF THE PHILOSOPHERS" ACCORDING TO CRASSUS IN 3.62-68
(SEE 3.62 NOTE 76)



*not mentioned by name: see 3.62 note 77

**Diodorus may have been Critolaus' successor

Key	
: line of succession	↓ : pupil & successor ↘ : pupil only
<i>Italicized Names</i> : mentioned in this passage Nonitalicized names: mentioned elsewhere in <i>De oratore</i> [Names in Square Brackets]: not mentioned in <i>De oratore</i> (see Index) CAPITALS: philosophical schools	

63–68 *The present philosophical schools and the orator*

- 63 “Of the remaining schools, the philosophy that has taken up the patronage of pleasure, even if some may think it is true, still has nothing to do with the man whom we are looking for and whom we want to be an author of public policy, a guide in governing the community, and a leader who employs his eloquence in formulating his thoughts in the Senate, before the people, and in public court cases. All the same, this philosophy will suffer no wrong from us, for it will not be excluded from an area where it desires to go. Rather, it will be reposing in its delicate gardens,⁷⁹ where it wants to be. From there, while reclining in softness and effeminacy, it even tries to beckon us from the *rostra*,⁸⁰ from the courts, and from the Senate House—
- 64 perhaps wisely so, especially in the present political situation. But the question I am asking now is not which philosophy is the truest, but which has the most affinity with the orator. So let us dismiss these people, but without insulting them, for they are good folk and, since they think so themselves, they are blissful as well. Let us merely remind them to keep their opinion to themselves, and guard it as a holy secret, even if it should be quite true—I mean their claim that it is not the part of a wise man to be involved in politics. If they convince us as well as all the best people of the truth of this, then they themselves will not be able to do what they desire most—that is, to live in undisturbed peace.
- 65 “The Stoics, of whom I by no means disapprove, I still dismiss, without fearing their anger, seeing that they don’t know how to get angry at all.⁸¹ I am actually grateful to them, because they are the only ones among all the philosophers who have said that eloquence is a virtue and a form of wisdom.⁸² But whatever the truth of that, something in their views is quite at odds with the orator that we are trying to equip. For instance, they say that all those who are not wise are slaves, bandits, enemies, and mentally deranged, and just the same, that no one is wise.⁸³ It would be rather absurd to entrust a public meeting, a Senate meeting, or any gathering of people to someone who thinks that none of those present is sane, none a citizen, none
- 66 a free man. An additional problem is the way that they speak. It is perhaps refined and certainly precise, but, from the point of view of an orator, it is meager, strange, foreign to the ears of the crowd, obscure, empty, and barren. Apart from this, it’s the sort that one could never use before a crowd;

⁷⁹The Epicureans were constantly associated with gardens: the school was originally located in the gardens belonging to Epicurus and was therefore known as the “Garden.”

⁸⁰For the *rostra*, the speaker’s platform, see Glossary.

⁸¹An important point of the philosophy of the Stoics was their ideal of being without emotions (*ἀπαθεία*).

⁸²See 1.83 and 3.55.

⁸³These are the so-called Stoic paradoxes (i.e., doctrines contrary to expectation), which follow from the absolute and uncompromising ethical doctrines of Stoic philosophy. Later, in 46 BC, Cicero wrote an (unserious) defense of these paradoxes, the *Paradoxa Stoicorum*.

good and bad do not mean to Stoics what they mean to the rest of the citizens, or rather, to the rest of the nations on earth, and they also have different conceptions of honor and disgrace, and of reward and punishment. Whether these are true or not is irrelevant for our present purpose, but if we follow their ideas, we would never be able to make anything understood through speech.

"That leaves the Peripatetics and Academics, though the latter are really two schools of thought under one name. On the one hand Speusippus, Plato's nephew, and Xenocrates, Plato's pupil, as well as Xenocrates' pupils Polemo and Crantor, differed on no point to any great extent from Aristotle, who had heard Plato's lectures in their company—although they were perhaps not his equals in richness and variety of speaking. Polemo's pupil Arcesilaus was then the first to adopt, from the varied books of Plato and from Socrates' dialogues, especially the idea that there is no certainty that can be grasped either by the senses or by the mind. In this complete rejection of the mind and senses as instruments of judgment, he is said to have employed an exceptionally charming manner of speaking, and also to have been the first to establish the practice—although this was very characteristic of Socrates—of not revealing his own view, but of always arguing against any view that anyone else would assert.⁸⁴ This was the source of the more recent Academy of our own day, in which Carneades came forward as a man of superhuman quickness of mind and richness of speaking. I did meet many of his pupils personally when I was in Athens,⁸⁵ but I can cite two people as my most reliable authorities. In his youth, my father-in-law, Scaevola, heard him lecture in Rome,⁸⁶ and my friend Quintus Metellus, the son of Lucius, a man of great distinction, used to say that when he was a young man, he had heard Carneades lecture in Athens over the course of several days, when he was already quite old.

69–73 *Restatement*

"So, just as the rivers part at the watershed of the Apennines, the disciplines parted when flowing down from the common ridge of wisdom. The philosophers flowed into the Ionian Sea on the East, as it were, which is Greek and

⁸⁴That is, Arcesilaus (head of the Academy from ca. 270 BC) introduced a sceptical orientation into the school. The statement that this was already Socratic and Platonic reflects the claims of Arcesilaus himself and his successors to be real "Socratics" (cf. especially Gucker 1978: 35–47). On the other hand, in this section the history of the Peripatos and Academy (a contested issue in Cicero's time) is not presented from a one-sided "sceptical" point of view. In a characteristically Ciceronian, balanced way, the rival view of the antisceptical Academic "rebel" Antiochus of Ascalon (ca. 130–69 BC) is also given its due; especially the claim that the early Academy and Aristotle resembled one another was typical of Antiochus. For further details, see LPW: 220–223.

⁸⁵See 1.45.

⁸⁶This is obviously supposed to have happened during the famous embassy in 156/155 BC (see 2.155). Cicero, however, most probably made a chronological mistake here, for Scaevola was born between 168 (or even 165) and 160 BC.

well provided with harbors, while the orators came down into our barbarian Tyrrhenian Sea on the West, which is full of reefs and dangers, and where even Odysseus himself had lost his way.⁸⁷

- 70 "Accordingly, if we are content with the present sort of eloquence and the present kind of orator, who knows that you must⁸⁸ either deny the charge brought against you, or if you cannot do that, then demonstrate that what the defendant has done was either done justly, or because of another's fault or another's wrongdoing, or in accordance with the law, or not against the law, or out of ignorance or necessity, or that it should not be designated by the name under which he is accused, or that the procedure is not as it ought to be and is allowed to be; and if you think it enough to learn what those handbook-writers teach, which was, for that matter, expounded by Antonius with much more distinction than by those people themselves, and with more fullness too⁸⁹—I say, if you are content with all of this, and even with the things that you wanted me to tell you, then you are driving the orator away from a vast and immense field and forcing him into a pretty narrow
- 71 circle. If, however, you want to follow the famous Pericles of old, or if you want to follow Demosthenes, who is more familiar to us because of his numerous writings, and if you have come to love the splendid and outstanding appearance and the beauty of the perfect orator, then you must master
- 72 the power of Carneades or that of Aristotle. For, as I said before, those great men of the past, all the way down to Socrates, used to link the principles of oratory with the entire study and knowledge of everything that was relevant to human conduct, to human life, to virtue, and to the state. Then subsequently, as I have described, the learned were separated from the skillful speakers, first by Socrates himself, and after that likewise by all of Socrates' followers. The philosophers despised eloquence, and the orators wisdom, and each side did not so much as touch what belonged to the others, except for what each borrowed one from the other—whereas they would be drawing jointly from their common source had they preferred to remain in their former partnership.⁹⁰ But it is just as with the priests of the past. Because of the
- 73 great number of sacrifices, they wanted there to be a Committee of Three Banquet Supervisors, even though they had themselves been appointed by Numa

⁸⁷In antiquity, Odysseus' wanderings were generally considered to have taken place in this area. The fact that "even he," astute as he was, lost his way, indicates the greatness of the dangers.

⁸⁸In what follows, Crassus gives a deliberately monotonous summary of one of standard rhetoric's standard doctrines, viz., status theory (see Introduction, pp. 32–34).

⁸⁹Crassus refers to Antonius' discussion in Book 2 (2.99 ff.). Antonius himself had repeatedly emphasized the differences from standard rhetoric, but his discussion did remain essentially technical, while Crassus' aim here goes beyond that (see Introduction, pp. 10–11).

⁹⁰"Borrowing" implies only irregular and infrequent use of what belongs to another party, instead of the shared possession that Crassus insists upon. Cf. his language in 1.55, "I need not borrow from them."

to conduct the sacrificial banquet at the games as well.⁹¹ In the same way, the followers of Socrates dissociated the pleaders of cases from themselves and from the shared title of philosophy, though the ancients had intended there to be an amazing sort of communion between speaking and understanding.

74–81 *The philosophers, the run-of-the-mill orator,
and the ideal orator*

“Under these circumstances, I, for my part, shall beg a little bit of your indulgence and ask you to take what I say as not referring to me personally, but to the orator as such. It is true that I was educated in my boyhood thanks to the extraordinary devotion of my father, and that I brought into the forum as much talent as I myself know I did (not as much as you perhaps think). But I am not the sort of person who can claim to have learned the things that I am now embracing in the way that I am saying they should be learned. After all, I began pleading public court cases earlier than anyone else, being twenty-one years old when I brought a man of high rank and eloquence to trial.⁹² I had the forum for my school, and my teachers were practical experience, the laws, the institutions of the Roman people, and the traditions of our ancestors. Thirsting for those arts that I am talking about, I had a small taste of them while I was quaestor in Asia (having procured a teacher of rhetoric who had been educated in the Academy, a man about my age, that same Metrodorus about whose memory Antonius was telling us⁹³), and also on my way home from my province, at Athens⁹⁴ (I would have stayed there longer, had I not been angry at the Athenians for their unwillingness to repeat the celebration of the Mysteries,⁹⁵ for which I had arrived

⁹¹According to the (unhistorical) tradition, Numa was the ‘second king of Rome, known for his wisdom, and responsible for many of Rome’s religious practices, including the institution of the college of priests (*pontifices*). The institution of the committee of “Banquet Supervisors” (*epulones*) can be dated to 196 BC. This passage alludes to the political situation surrounding the dialogue, since one of the (two) banquets for which these *epulones* were responsible was (almost certainly) the “Banquet for Jupiter,” held on September 13 (see note 1 at 3.2). That is, such a banquet was to be held on the day of the dramatic Senate meeting described in 3.2–6.

⁹²Gaius Carbo. This trial was also mentioned at 1.40, and elsewhere; see Index at Carbo. It was not unusual for very young men to seek fame by prosecuting well-known people. An extreme case was Atratinus, who prosecuted Caelius in 56 BC, at the age of 17.

⁹³See 2.360. Crassus also mentioned his encounter with Metrodorus in 2.365.

⁹⁴See 1.45–47.

⁹⁵These are the Eleusinian Mysteries, celebrated at Eleusis (in Attica), and probably the most famous of ancient cults. They attracted numerous initiates from all over the Greek (and Roman) world. Crassus’ demand that they be repeated, typical of Roman arrogance toward the Greeks at the time, is probably mentioned here because Cicero wants to leave his (Roman) readers with no doubt that Crassus is a real Roman; in that way, Crassus’ ideas about the necessity of (basically Greek) knowledge for the orator will be more palatable (cf. Introduction, p. 6).

just two days late). So the fact that I am embracing such an expansive range of knowledge and learning is not only not in my favor, but actually against me—for I am not discussing my own capabilities but those of the orator. And it also works against all these people who set forth rhetorical systems; they are utterly ridiculous, writing about the categories of lawsuits, about
 76 prologues, and about narrations. The real power of eloquence is so enormous that its scope includes the origin, essence, and transformations of everything: virtues, moral duties, and all the laws of nature that govern human conduct, characters, and life. It establishes traditions, laws, and legal arrangements, governs the State, and addresses with distinction and copiousness all questions belonging to any area whatsoever.

77 "I, for my part, work in this field as much as I can, and as far as my talents, my moderate learning, and my practical experience allow me. For all that, in a debate I don't really have to yield very much to those people who have, as it were, taken up permanent residence in the area of philosophy
 78 alone. What reason can my friend Gaius Velleius advance for the notion that pleasure is the highest good,⁹⁶ which I could not address with more copiousness, either to defend it, if I should wish, or to refute it? In doing so, I would draw on the commonplaces set forth by Antonius,⁹⁷ and rely on this practice of speaking in which Velleius is inexperienced, but each one of us is well versed. Is there anything that either Sextus Pompeius or the two Balbi or Marcus Vigellius, my friend who closely associated with Panaetius,—Stoics though they may be⁹⁸—could say in a discussion about virtue that
 79 could force me, or any one of you, to yield to them? For philosophy is not like the other arts. In mathematics for instance, someone who hasn't learned the subject is helpless, and the same is true in music theory. Someone like that will have to be silent, or people will actually think that he is not in his right mind. The points that are treated in philosophy, however, can be unearthed if you have an intellect that is keen and penetrating enough to elicit what is probable in each case, and they can be set forth in polished form by well-practiced language. Hence, our run-of-the-mill orator, if he is not educated but still practiced in speaking, will, merely on the strength of this ordinary practice, trounce those people, and he will not allow himself to be scorned and despised by them.

80 "If, however, there should ever appear someone who can, in the manner of Aristotle, speak on both sides of an issue about all subjects and, having learned his precepts,⁹⁹ in every case unfold two opposing speeches, or

⁹⁶For the philosophical question of the "highest good," see 1.222 with note 192. Velleius was an Epicurean, and thus believed that the highest good was pleasure.

⁹⁷See 2.163–173.

⁹⁸To the Stoics, virtue was the "highest good."

⁹⁹That is, Aristotle's "precepts" about the commonplaces, which (at least in Cicero's view) formed the basis for Antonius' account of the commonplaces in 2.163–173 (Introduction, p. 34). Cicero here also ascribes the method of arguing both sides of an issue to Aristotle, as he does elsewhere, but it is uncertain whether he was right to do so.

who argues, in the manner of Arcesilaus and Carneades, against every proposition that is put forward, and who adds to that method and that practice, our manner and experience, our practice of speaking—then he shall be the true, the perfect, the one and only orator. For without the vigor that is acquired in the forum, an orator cannot be sufficiently forceful and impressive, nor can he be sufficiently accomplished and wise without having learned about a wide variety of subjects. So, we certainly may allow that Corax of long ago to hatch his chicks in the nest, so that they may fly away to become bothersome and annoying cacklers,¹⁰⁰ and we may allow some Pamphilus or other to depict a subject of such importance by using bands, as if it were some child's game,¹⁰¹ and we ourselves may give an account of the orator's entire task in our limited discussion of the last two days—as long as we realize that eloquence is so vast and important that it can only be covered by all the books of the philosophers, which none of those rhetoricians has ever so much as touched.” 81

82–90 *Ideal and practice, the active and the contemplative life*

At this point, Catulus said, “On my word, Crassus, it is really not at all surprising that your oratory possesses such—what should I call it—force, or attractiveness, or abundance. Previously, I deemed that your natural abilities were responsible for the way that you speak, a way that makes you seem to me not only a consummate orator, but also a very wise man. But now I understand that you have always considered matters that concern wisdom to be even more important, and that they are the source from which the abundance of your oratory has flowed. For all that, when I recall the different stages of your career, and when I look at the aims that you have pursued in life, I do not see when you could have learned these things, nor do I understand how you could have dedicated yourself very much to these pursuits, people, and books. Still, I cannot make up my mind whether I am more surprised that, despite your enormous obligations, you have been able to master what you are persuading me are such essential tools, or, if you have not been able to do so, that you can speak in the way that you do. 82

“Catulus” replied Crassus, “I would particularly like you to persuade yourself of something else: when I discuss the orator, I do not proceed very differently than I would if I had to speak about the actor. I would claim that his gestures cannot be up to standard unless he has learned the skills of the 83

¹⁰⁰Crassus, in making fun of rhetorical education, here first mentions Corax, reputedly the oldest teacher of rhetoric (5th century BC), and plays upon his name: in Greek, Corax (Κόραξ) means “crow.”

¹⁰¹Pamphilus was probably a rhetorician of the (late) 2nd century BC (involved in controversies over status theory). Crassus thus suggests that nothing fundamental had changed at all between Corax and his own time. What is meant by Pamphilus' use of “bands” (Latin *infulae*, “headbands”) is unclear, but he possibly employed diagrams to clarify his status system.

- palaestra¹⁰² and unless he has learned how to dance. But when saying this, I would not have to be an actor myself, only a perhaps not too stupid judge of another man's art. In an analogous way, I am now talking, at your prompting, about the orator—that is, of course, about the consummate orator. It is customary, whenever any art or skill is under examination, to examine it in its ideal and perfect form. Accordingly, if you are still going to call me an orator, even a tolerably good one, or actually a good one, I won't quarrel with that—no need for false modesty¹⁰³ in this company, for I know that this is what people think about me. But even if this is the case, I still am certainly not the consummate orator. For no accomplishment in the whole world is greater or more difficult, and none needs more learning to support it.¹⁰⁴
- 85 Yet, since our discussion is to be on the orator,¹⁰⁵ it is necessary that I should speak about the consummate orator. For the essential nature of a thing, its character and magnitude, cannot be understood unless it is put before our eyes in perfect form. As for myself, Catulus, I confess that I do not currently spend time with these books and with these people. Also, as you correctly remember, I have indeed never had any time that was set aside specifically for acquiring knowledge, and I have devoted only so much time to learning as I was afforded by my boyhood and by the days that I did not have to be in the forum.
- 86 "If you want to know my opinion about the learning that you mention, Catulus, I do not believe that a talented person, who also keeps his eye on the forum, on the Senate House, on the courts, and on the State, needs as much time for this as has been spent on it by those who were still in the middle of their studies when they died. It is true of all arts that they are treated one way by those who turn them to practical use and another by those who take so much delight in their actual treatment that they do not intend to do anything else in their lives. Our trainer of Samnite gladiators here¹⁰⁶ is already extremely old, and still practices his art every day; of course, since there is nothing else that he cares about. Quintus Velocius, by contrast, learned this skill when he was a boy, but because he had a knack for it and had mastered the whole thing, he was, as Lucilius says,

ever so good a Samnite himself,
in the game with the practice swords, a tough enough match for any
man.¹⁰⁷

¹⁰²That is (as in 1.73), running, wrestling, boxing, jumping, javelin throwing, etc.

¹⁰³The difficult word *ineptus* is here rendered by "false modesty," there being no really satisfactory way to echo the use of the same word at the beginning of Book 2, where it is translated "tactless" (see especially 2.17–18, and note 11 at 2.13).

¹⁰⁴The unparalleled difficulty of oratory was the central theme of the first prologue; see especially 1.16–18.

¹⁰⁵Cicero here alludes to the title of the work, *De oratore*, literally "On the Orator."

¹⁰⁶There was obviously a gladiatorial troupe in Tusculum (where Crassus' villa was located). For the Samnite gladiators, see Index.

¹⁰⁷This fragment is included (with surrounding text in somewhat garbled form) in ROL as lines 182–183 (= 1273–1274 Marx).

But he devoted more of his efforts to the forum, his friends, and his personal property. Valerius used to sing every day; of course, since he was on the stage—what else was he to do?¹⁰⁸ My friend Numerius Furius, by contrast, 87
sings when it suits him, since he is the head of a household and an *eques*; as a boy he learned what he had to learn about it. The same principle applies to the most important arts, which we are talking about here. We saw how Quintus Tubero, a man of the greatest virtue and intelligence, devoted his attention to a philosopher day and night. When you looked at his uncle Scipio, by contrast, you would barely have noticed that he was engaged in philosophy, though he certainly was.¹⁰⁹ Those subjects are easy to learn, at least if you take from them only as much as is necessary, if you have a reliable teacher, and if you yourself know how to learn. If, however, you don't want 88
to do anything else during your entire life, then the actual treatment, the actual investigations by themselves, will daily give rise to something new that you can examine with leisurely delight. Consequently, the active practice of a subject is an endless thing, but acquainting yourself with it is easy if you fortify theoretical learning with experience, devote an average amount of effort to it, preserve the memory of what you have learned, and maintain your enthusiasm. And actually, learning is always agreeable—for instance, if I wanted to become an excellent dice player, or if a passion for playing ball possessed me, even perhaps if I could not be very good at it. But other people, because they are very successful, take a keener delight in such things than the matter demands—for example, Titius in ball playing and Brulla in dice. So there is no reason for anyone to be frightened by the great scope of 89
the arts because he sees old people studying them. For they have either come to them when they were already old, or they have remained engrossed in their studies into their old age, or they are very slow-witted. In my opinion, the truth of the matter is that unless you can learn something quickly, you will never be able to master it at all."¹¹⁰

"At last I am beginning to understand what you mean, Crassus," said 90
Catulus, "and on my word, I agree. I see that you, being so good at mastering things with your penetrating mind, have indeed had enough time to acquaint yourself with what you are talking about." "Won't you stop taking what I say as referring to me instead of to the subject?" asked Crassus. "But if it is all right with you, let us now return to our theme." "That is certainly all right with me" said Catulus.

¹⁰⁸Music played a very important part on the Roman stage.

¹⁰⁹Tubero was a Stoic, and not a very good orator. The philosopher with whom he associated was Panaetius, whose relationship with Tubero was apparently so well known that his name could go unmentioned here. Scipio, while also well acquainted with Panaetius, was an outstanding speaker and an active and successful politician.

¹¹⁰This idea must have struck Cicero's readers as daring (as is shown by Caesar's reaction in 3.146 and Augustine's later comments; see LPW). It is actually at odds with more idealistic passages such as 3.81. Inserting such exaggerations is part of Cicero's technique of gradually weakening the resistance of those of his readers who distrusted Greek culture and learning (cf. Introduction, pp. 6, 18–19).

91–95 *Return to distinction and appropriateness*

- 91 Then Crassus continued, "What, then, is the aim of this discussion of mine, which has been so lengthy and has traced its subject back so far? Two parts, which must give a speech brilliance and bring eloquence to perfection, are still left to me: the first requires you to speak with distinction, the second to speak suitably.¹¹¹ Their essence amounts to seeing to it that the speech is as pleasant as possible, that it penetrates the audience's feelings as deeply as possible, and that it is equipped as fully as possible in terms of content. But the regular equipment for our work in the forum, quarrelsome and harsh as it is, and based on the opinions of the crowd, is a limited and pretty shabby lot. Then again, even the material imparted by those people who claim to be teachers of speaking isn't much more significant than that common stuff used in the forum. What we need are elaborate provisions, and resources sought, assembled, imported, and brought together from everywhere—just as you, Caesar, will have to do next year,¹¹² and just as I have taken great pains to do when I myself was aedile, because I felt that I could not satisfy
- 92 our Roman people with ordinary, homebred material. As to words—their choice, arrangement, and organization into periods—the theory, or the practice without the aid of theory if you like, is simple enough. But as to content, there is a whole, huge forest of material. While the Greeks had already lost their grasp on this, and our young men, therefore, were almost becoming ignorant by being taught,¹¹³ less than two years ago there even appeared—heaven help us!—Latin teachers of speaking.¹¹⁴ I, as censor, had removed them by my edict, not, as some people seem to have claimed, because I did not want the young men's intellects to be sharpened; on the contrary, I did not want their intellects to be blunted and their shamelessness reinforced.¹¹⁵ I saw that with the Greeks, however inadequate they were,
- 94 there was, apart from this exercise of the tongue, still some learning to be found and some knowledge worthy of humane culture. But these new teachers, I realized, were capable of teaching nothing but boldness, certainly something that must be avoided in itself, even when combined with good

¹¹¹Again, as in 3.53, Crassus refers to the two remaining (of the four) qualities of style announced in 3.37.

¹¹²Caesar had been elected to one of the curule aedileships for 90 BC, and as such was to be responsible for the public grain supply (*annona*) as well as for the public games, which were usually presented on a grand scale. The games given by Crassus and his colleague Quintus Mucius Scaevola in their aedileship (between 105 and 100) were famous for their magnificence.

¹¹³Most teachers of rhetoric in Rome at that time were Greek.

¹¹⁴These are the self-styled "Latin rhetoricians" (*rhetores Latini*). They were "removed" in 92 BC by an edict of the two censors, Crassus and Gnaeus Domitius Ahenobarbus, the text of which is preserved by Suetonius and Gellius. The exact historical motives of these rhetoricians and of the censors (as distinct from what Cicero makes Crassus say here) are partly unclear (cf. next note, and LPW: 304–306 for a short survey).

¹¹⁵The notion of "shamelessness," which returns below, may or may not have political overtones (reckless politics, demagoguery).

qualities. Since this was the only thing taught there, and since this was really a school of shamelessness, I thought it a censor's duty to take steps to prevent it from spreading further—though by this verdict and judgment I do not mean to imply that I despair of seeing the subjects we are discussing treated and refined in Latin. Both our language and the nature of the subjects allow that ancient and outstanding practical wisdom of the Greeks to be transferred to our practices and to our way of life. But this requires people of great learning, and as yet there have been none of those among us, at least in this area.¹¹⁶ If they at some time appear, they will be superior even to the Greeks. 95

96–103 *Distinction residing in the general character of a speech*

"Distinction, then, is imparted to a speech in the first place by its general character and its own particular complexion and vitality, as it were. That it should be weighty, charming, and learned, that it should be well-bred, admirable, and accomplished, and that it should contain as much feeling and emotion as necessary—this is not a matter of the individual limbs, but these qualities are discerned in the body as a whole. That it should, as the next point, be sprinkled, as it were, with flowers of language and thought, this is a quality that must not be spread evenly throughout the speech, but must be distributed here and there in the way that decorations and lights are arranged when a public place is adorned.¹¹⁷ We must, then, choose a general character for our speech that will do most to hold the attention of our audience, and that not only delights them, but does so without causing satiety (I don't think at this point you are expecting from me the advice to be careful that your speech is not meager, crude, common, or trite; your talents as well as your age urge me to say something else, something more important). It is difficult to say why the very things that most stir our senses with pleasure and rouse them most strongly when we first encounter them are also the quickest to give us feelings of aversion and satiety, and thus to alienate us. How much brighter than old paintings are most of the modern ones, with their beauty and variety of color! Yet, even if they captivate us at first glance, they do not delight us much longer, whereas, on the contrary, our attention is held precisely by the roughness and the fainter colors of ancient paintings. In singing, how much softer and more delicate are the coloratura and falsetto notes¹¹⁸ than unadorned ones firmly held! Yet, not only people of more austere tastes dislike them, but even the crowd shouts its disapproval if they are heard too often. You can also see this in the other senses. 96 97 98 99

¹¹⁶"This area" is philosophy. Crassus adds this, because in other areas (e.g., grammar, antiquarian studies, and law), there were already (relatively) distinguished Roman practitioners.

¹¹⁷The metaphor is apparently drawn from street decorations on festive occasions.

¹¹⁸"Coloratura and falsetto notes": though this seems a reasonable interpretation, the meaning of the corresponding Latin terms is not certain.

- Perfumes with an intense and penetratingly sweet scent do not delight us for so long as the moderately sweet ones, and what seems to have the fragrance of wax receives more praise than what hints of saffron. Even with the sense of touch, there is a limit to softness and smoothness. Yes, even our taste, the sense that is most responsive to pleasure and that is roused by sweetness more than the other senses—how quickly does it spurn and reject what is intensely sweet! Surely nobody can take sweet food or drink for too long? But both food and drink that affect this sense with only light feelings of pleasure quite easily avoid causing feelings of satiety. Since in everything else, then, the greatest pleasure borders on aversion, we need not be too surprised by this phenomenon in the case of speech. Here, our experience with poets as well as orators allows us to conclude that poetry or prose that is elegant, decorated, distinguished, and pretty, but continuously so without new starts or variety, cannot give delight for a very long time, however vivid the colors in which it is painted. In fact, people take offense more quickly at the curls and cosmetics of an orator or poet, for the following reason: satiety of the senses stemming from excessive pleasure is a matter of nature, not of the mind, while in the case of the written and the spoken word, faults of overcoloring are not only recognized through the judgment of the ears, but even more through that of the intellect.
- 101 “Accordingly, I don’t mind hearing people say ‘great!’ and ‘outstanding!’ about us, however often, but I don’t like to hear ‘charming!’ or ‘how pretty!’ too often. Certainly, the popular exclamation, ‘couldn’t be better!’ I would want to hear repeatedly. All the same, such admiration during a speech, this highest praise, should have some areas of shade and some recesses, so that what is highlighted can be seen to stand out more prominently. Roscius never delivers the following line¹¹⁹ with the kind of gesture with which he could:
- 102

The wise man aims for honor as a reward for virtue, not as its spoils.

But he throws it away, so that in the next verse—

But what’s this I see? Girt with sword, he occupies the sacred dwelling!

—he may put in all his energy, and can gaze, wonder, and be astonished. And what about that other actor?¹²⁰ How gently, how calmly, with how little intensity he says,¹²¹

Where can I find some help? . . .

¹¹⁹This verse and the next are from tragedy, but author and title are unknown (ROL II, p. 616).

¹²⁰Most probably Aesopus, the second famous actor of the period (also mentioned in 1.259).

¹²¹The next lines are from Ennius’ tragedy *Andromache* (lines 95 and 101 ROL). *Andromache* is speaking (women’s roles were played by men).

For immediately after this passage follows this:

O my father, o my country, o palace of Priam!

—which could not be delivered with such agitation, if his energy were utterly spent by his previous movements. Nor did the actors realize this sooner than the poets themselves, or in actual fact sooner than the composers of the accompanying music. Poets and composers alike lower and raise the tone, make the intensity sink and swell, and see to variation and differentiation.

“Our orator, then, should have distinction and charm—how could it be otherwise!—, but his charm should be austere and firm, not sweet and over-ripe. The actual precepts that are given for imparting distinction to a speech are irrelevant: they are of a kind that any orator, no matter how fault-ridden, could put into practice. Therefore, as I said earlier,¹²² you must first gather a store of material for the content; this aspect has been addressed by Antonius.¹²³ Then the material must receive its form from the actual texture and the general character of the speech, be highlighted by the words, and be given variety by the ideas. 103

104–110 *True distinction; general questions (theses)*

“But the highest excellence of eloquence consists in amplifying something by imparting distinction to it. This serves not only to magnify things and raise them to a higher level in your speech, but also to minimize and lower them. It is a requirement for all the elements that are employed, as Antonius has said, in order to secure belief in a speech: whether we expound something, or win over the audience’s minds, or stir their feelings.¹²⁴ But amplification is most effective in dealing with the last-mentioned element, and this is the unique excellence of the orator, the one that is most his own. An important contribution to all this is made by the faculty that¹²⁵ Antonius illustrated at the end of his discussion, having pushed it aside at the beginning, I mean that of praising and blaming.¹²⁶ For nothing is better suited for building up and amplifying a speech than the ability to do both of these with great fullness. Another useful factor is the topics that, although they ought to be appropriate to the individual cases and firmly bound up with 104 105 106

¹²²See especially 3.93, but of course also Crassus’ whole argument in 3.52–81.

¹²³In his discussion of invention, 2.99–216.

¹²⁴These are the three means of persuasion, around which Antonius built his account of invention in Book 2 (99–306); see, e.g., 2.114–115 and Introduction, pp. 34–35.

¹²⁵“An important contribution to all this is made by the faculty . . .”: this is not a translation of the transmitted Latin text (which is almost certainly very corrupt; see Wilkins), but it gives the gist of the sentence as seems to be required by the context.

¹²⁶Antonius first, in 2.43–47 (plus 48–73), stressed that it was unnecessary to give rules for the genre of laudatory speeches, but later, in 2.341–349, added some guidelines for it.

their essence, were nonetheless called commonplaces by the ancients,¹²⁷ because they are, as a rule, employed when we are dealing with a subject on a general level. They partly consist of bitter, amplified condemnations of, or complaints about, vices and offences, which are usually left unanswered and are indeed unanswerable—such as attacks on embezzlement, on treason, and on murder. We should use them only after proving the charges; otherwise they are barren and empty. Other commonplaces consist of a plea for mercy or pity. And then there are others consisting of double-edged discussions, which offer the possibility of copiously arguing both sides of a general issue.

"These days, this last practice is considered to be characteristic of the two philosophical schools that I discussed earlier.¹²⁸ But among the ancients, it belonged to those who furnished the entire method and the whole fullness necessary for speaking about matters arising in public life.¹²⁹ And rightly so, for we orators, too, should possess both the power and the art of speaking on both sides of an issue on the topics of virtue, moral duty, the fair and the good, the honorable and the expedient, honor, disgrace, rewards, punishments, and similar subjects. But we have been ousted from our estate and are left with a paltry piece of land (and even that contested), and though we are defenders of others, we have not managed to preserve and protect what is our own. So let us, utterly shameful as it is, borrow what we need from those who have invaded our inherited property.

"Well, the following is said,¹³⁰ both nowadays by those who take their name from a tiny part of the city and its surroundings, and are called Peri-

¹²⁷These commonplaces will be important in the sections that follow, and the notion that "the ancients" treated them therefore fits in well with Crassus' appeal in 3.56–73 to go back to the wisdom of the ancients. These "commonplaces" (*loci communes*) are not the abstract argument patterns discussed by Antonius in 2.163–173, but, as Crassus says here, generally applicable approaches. Traditional rhetoric also had commonplaces in this sense; all three types mentioned here (3.106–107) have counterparts there, and these had indeed been in use from early times (cf. *On invention* 2.48; *Brutus* 46–47; Aristotle *Sophistical Refutations* 34 [183b36–184a8]; cf. Glossary at "commonplaces"). But while the correspondence is exact for the first and second types, Cicero's third type is much broader than its traditional counterpart, since that was limited to discussions of issues directly relevant to oratory (e.g., the general credibility of suspicions or witnesses). This broadening reflects Cicero's purpose of describing the ideal orator as a master of all communication; accordingly, it is the third type that will be most important in what follows.

¹²⁸The Academic and Peripatetic schools; see 3.67–68, 71 and 80.

¹²⁹Here, Crassus implicitly refers to his earlier description of the ancient unity of speaking (cf. especially "method") and thinking (cf. "whole fullness"); see 3.56–60, 69–73.

¹³⁰At the beginning of 3.107, Crassus mentioned the practice of arguing both sides of an issue. He now returns to that topic, after (in 3.107–108) having identified the philosophers who are helpful in that area.

patetic or Academic philosophers,¹³¹ and long ago by those whom the Greeks called "political philosophers" because of their exceptional knowledge of the most important matters (and who thus bore a name derived from the state as a whole)¹³²: every speech that has to do with the life of the citizen is concerned with one of two types of issues, being a question either about controversies that are delimited by specific occasions and parties (for example, whether it would be a good decision to recover our prisoners of war from the Carthaginians by returning theirs), or about an entire category in the abstract (what should be our general judgment and position regarding prisoners of war).¹³³ The first of these types they call a 'case' or a 'controversy,' and they specify three varieties, court cases, deliberations, or laudatory speeches. The second kind of question, which is indefinite and is, as it were, a proposition,¹³⁴ is labelled an 'inquiry.' The rhetoricians also employ this division in their teaching. But by the way in which they do so, they give the impression that they are not recovering their lost estate before the praetor or in court or, for that matter, by using force. Rather, it seems that they are asserting their rights only by symbolically breaking off a twig.¹³⁵ They do hold on to the former type, the one delimited by occasions, places, and parties—but barely by a thread, for right now, the study and exercise of these "cases" have also come to be included in the teachings of Philo (who, I hear, is very influential in the Academy).¹³⁶ And as for the second type, they merely mention it at the beginning of their system, saying that it belongs to the orator, but without setting out its meaning or its nature or its species or

110

¹³¹The name "Peripatetic" was sometimes derived from the (alleged) habit of Aristotle of giving his lectures while walking (*peripatein*, "walk up and down"), but sometimes (as here) from the covered walk (*peripatos*) of the Lyceum (a sanctuary dedicated to Apollo, outside the Athenian city wall, where a gymnasium was located), where he held his lectures (Düring 1957: 405). The Academy was so called from the public park of that name at Athens, or from the gymnasium located there.

¹³²For the suggestion that these people were called "philosophers," see 3.60 (with note 72) and 73. The extended name, "political philosophers," is based on the derivation of the word "political" from the Greek *polis* ("city" or "state"): these ancients, Crassus suggests, bore a name reflecting their involvement in the "state," whereas the present philosophers bear a name that reflects their restricted, nonpolitical aims.

¹³³This is the distinction between *hypothesis* (specific question) and *thesis* (general question); see Introduction, p. 25 and pp. 27–28.

¹³⁴"Pro-position" indicates the equivalence with the Greek technical term for such questions, *thesis* (from τίθημι, "put, place"); the same word is used, e.g., in 3.80.

¹³⁵The imagery is, as more often, taken from legal disputes (cf., e.g., 1.41–42). "Before the praetor or in court" indicates the two stages of a civil procedure (see note 119 at 1.166). The image in "breaking off a twig" is not completely clear, but apparently, one could claim a disputed piece of property by symbolically taking a small part of it, even without (for the time being) going to court.

¹³⁶Philo (of Larissa), head of the Academy in 91 BC, the dramatic date of the dialogue; see Index.

its classes.¹³⁷ So, it would have been better for them to pass over it entirely rather than to touch upon and then abandon it. In that way, their silence might have seemed intentional, but now it is clear that they indeed have nothing to say on the subject.

111–119 A “philosophical” classification of general and specific questions

- 111 “Well then, in every matter that can be the subject of examination and dispute, the potential points of controversy are by nature the same, whether the dispute is based on an indefinite inquiry or on the cases that concern the community and the disputes in the forum.¹³⁸ There is none that is not related to the principles of either acquiring knowledge or taking practical action. For one is either trying to acquire pure knowledge about something (for instance, whether virtue is to be pursued for its own intrinsic value or for some advantage it offers),¹³⁹ or one is looking for advice about practical action (for instance, whether the wise man should engage in politics).
- 112
- 113 “Now the acquisition of knowledge has three varieties¹⁴⁰: factual inference, definition, and what I might call “attendance.”¹⁴¹ For when the question is what exists in something, we investigate it by means of inference (for example, whether there is wisdom in the human race). The essence of a particular thing, moreover, is set out by definition (for instance, if the question is, what is wisdom?). And “attendance” is at issue when we inquire what attendant qualities a particular thing has (for example, will a good man ever lie?).
- 114 At this point they return¹⁴² to the category of inference and divide it

¹³⁷For our use of “species” (as a translation of *partes*), cf. note 157 at 1.189.

¹³⁸Crassus here refers to the distinction between general and specific questions (*theses* and *hypotheses*) given in 3.109. He claims that the same system of subdivisions can be applied to both, and to this end, he proceeds to give a philosophical division of the general questions that resembles the normal divisions (given in status theory) of specific questions. Already in Book 2 (133–142; cf. 104), Antonius had emphatically claimed that there is no real difference between general and specific questions. See Introduction, pp. 25, 26.

¹³⁹As in most of the other examples given in this passage (3.112–118), the issues and terminology reflect contemporary philosophical debates. E.g., “to be pursued” (from the verb *expetere*), like its counterpart “to be avoided” (from *fugere*), was a standard philosophical term (also used, e.g., by Antonius in 1.221).

¹⁴⁰These three varieties correspond to the common division of status theory, given, e.g., by Antonius in 2.104–109 (see note 75 at 2.104, and Introduction, pp. 32–34). The application of status theory to general questions is deliberate; see note 138 above.

¹⁴¹The odd word “attendance” renders the equally odd Latin word *consecutio*. It refers to the investigation of “attendant qualities or circumstances” (cf. Latin *consequentia*, used in 2.166 and 170).

¹⁴²“They return,” i.e., the philosophers from whom Cicero (Crassus) has taken this whole division (as indicated above, see note 130). They were probably Philo of Larissa (mentioned in 3.110) and his followers; cf. LPW: 99.

into four classes: the question is either what a thing is (as in, is justice among human beings a matter of nature or is it based on mere opinion?); or it is about the origin of a particular thing (for instance, what is the source of laws and states?); or about cause and reason (for example, if the question is why the most learned people disagree about the most important issues); or it concerns change (as when there is a discussion about whether virtue in a person could perish, or whether it could change into vice). Disputes are about definitions when the question is either what is the notion that is imprinted, so to speak, on the human mind¹⁴³ (as when there is a debate about whether the just is what is in the interest of the majority); or when inquiry is made into the essential properties of a particular thing (for instance, is speaking with distinction the essential property of the orator, or can somebody else do so too?)¹⁴⁴; or when something is divided into parts (for example, when the question is how many categories there are of things to be pursued,¹⁴⁵ for example, are there three of these, those of the body, the mind, and external goods?); or when the form and, as it were, the special natural mark of a particular person are described (for example, when one tries to find the characteristic features of the miser, the seditious citizen, or the braggart). As for "attendance,"¹⁴⁶ two principal categories of questions are posited. The dispute is either simple (as when it is debated whether glory is to be pursued) or based on comparison (is praise or wealth more to be pursued?). Now, of simple questions there are three varieties: those about things to be pursued or avoided (for instance, should high offices be pursued, should poverty be avoided?); those about the fair or the unfair (is it fair to exact vengeance for wrongs even from relatives?); and those about the honorable or the base (for instance, is it honorable to die for the sake of glory?). Of comparison, there are two varieties: one when the question is whether two things are the same or whether there is a difference (for instance, fear and reverence, a king and a tyrant, or a flatterer and a friend); the other, when the question is which is better than the other (for instance, the issue of whether the wise should be guided by the praise of the best people or by that of the majority). Well, this is basically how very learned people divide up the disputes, as far as they are related to the acquisition of knowledge.

"Then there are those disputes that are related to practical action. These either concern a dispute about moral duty—in this category, the question is what is right and what should be done, a topic that includes the whole forest of problems about virtues and vices—, or are applied in producing or allaying, or even removing, some emotion. The latter category includes exhortation, rebuke, consolation, appeals to pity, and in general all instances

¹⁴³I.e., the commonly accepted notion.

¹⁴⁴The issue of this example was basically the topic of Crassus' long discussion at the beginning of Book 1 (1.45–73), and again of Antonius' discussion in 2.36–38 (cf. also Catulus' reaction in 2.39).

¹⁴⁵On the terminology, see note 139 above.

¹⁴⁶On the term "attendance," see 3.113 with note 141.

in which people are either driven to any feeling or, if the occasion so demands, their feelings are soothed.

- 119 "These, then, are the categories and varieties of all the disputes. It is not at all relevant if my classification has differed from the division of Antonius in any way.¹⁴⁷ The individual branches in our two treatments are identical, but I have simply divided and arranged them a little differently from the way he did. Now I shall go on and turn to what remains, and call myself back to my allotted task. As to the arguments for all these categories of questions, they can all be taken from the commonplaces described by Antonius.¹⁴⁸ Of course, different commonplaces will be suitable for different categories, but this topic needs no discussion at all, not so much because it would take a long time, as because it is self-evident.

120–125 *The orator and the general questions (theses)*

- 120 "The most distinguished speeches, then, are those that range most widely and shift their attention from the particular, individual controversy in order to concentrate on unfolding the nature of the general category. Thus, the audience can make their decision about the individual parties, charges, and court cases, after having learned about the nature and category of the matter on a general level. This is the practice, young men, that Antonius urged you to develop into a habit, thinking that you should be brought over from petty and narrow wrangling to the complete range and variety of discourse.¹⁴⁹ So this is not a task for a few trivial handbooks, as those think who have written on the theory of speaking, nor for the morning stroll we had at this Tusculan estate, or the afternoon discussion that we are sitting down to now.¹⁵⁰ For we must not only forge and sharpen our tongues, but we must load our minds¹⁵¹ to the brim with the attractive richness and variety of the most important matters in the greatest possible number. Indeed, it is ours—if at least we are really orators, and if we are to play our part as authorities and leaders in civil and criminal trials and in political deliberations—it is ours, I say, this whole estate of understanding and learn-
- 122

¹⁴⁷Antonius gave his classification of cases in 2.104–113, in the form of a variant of status theory. He claimed, as Crassus did here (3.111), that it was valid for general and specific questions alike (*theses* and *hypotheses*: 2.104, 133–142). About the function of the difference between Crassus' and Antonius' classifications, see Introduction, p. 16.

¹⁴⁸Crassus refers to the system of abstract commonplaces given in 2.163–173. Since Antonius has already treated that, Crassus can "go on and turn to what remains," i.e., first, to what he thinks will be the closing statement on "speaking with distinction" (*ornatus*), to be given in 120–125 (see Introduction, p. 19).

¹⁴⁹See 2.118, and especially 2.133–142, 145–147, where Antonius indeed repeatedly addressed the "young men," Cotta and Sulpicius (133, 140, cf. 145).

¹⁵⁰The discussion of Book 2 took place during a stroll (see 2.20), but now, in the afternoon, the company is sitting (see 3.17–18).

¹⁵¹Literally, "the breast." The breast, or the heart, was considered to be the location of the intellectual faculties (cf. note 73 at 3.61).

ing, which people with far too much leisure time have invaded while we were occupied, like property unclaimed and uninhabited. They have even gone so far as to laugh at the orator and mock him, as Socrates did in the *Gorgias*, or to give a couple of precepts about the orator's art in a few trivial handbooks and entitle these *On Rhetoric*¹⁵²—as if the orators were not the real owners of the things that these people say about justice, about moral duty, about establishing and governing communities, actually about the whole of the conduct of life, and yes, even about the explanation of nature. Since we cannot get this knowledge elsewhere anymore, we must take it from the very people who plundered us. But we must apply it to our knowledge of community life, with which it is concerned and at which it aims, and as I said before,¹⁵³ we must not waste an entire lifetime in learning all this. But once we have seen the sources (and only those who get to know them quickly will ever get to know them at all),¹⁵⁴ we will, whenever the need arises, draw from them only as much as the situation demands. For nature has not endowed the human intellect with such sharp vision that anyone can discern such important matters without being shown them. On the other hand, these matters are not so obscure that a man of sharp intellect cannot see to their depths, provided that he has looked at them.

"Thus, since the orator may range freely in this enormous, immense field, and since he is on his own ground wherever he chooses to stand, all the elaborate provisions for speaking with distinction will be readily at his disposal. For fullness of content begets fullness of words; and if the subjects we speak about are honorable, the content produces a certain natural splendor in the words. It is, of course, essential that the person who is going to speak or write should, as a boy, have received a gentleman's¹⁵⁵ education, that he burns with enthusiasm, that he is helped by his native abilities, that he is practiced in abstract discussions about general questions, and has chosen the most distinguished writers and orators as models for study and imitation. Such a man is certainly not going to ask those teachers how he should arrange and highlight his words—so easy does an abundance of content make it for natural ability, at least if it is practiced, to find its way unguided to the highlights that lend distinction to a speech."

126–131 *Catulus on the early sophists*

"Good heavens," Catulus exclaimed at this point, "what an extraordinary variety of material, what an enormous range, what copiousness you have embraced, Crassus, and from what narrow confines have you dared to lead the orator, to establish him in the kingdom of his ancestors! We have indeed been told that the ancient teachers and masters of speaking regarded no type

¹⁵²Crassus means (at least) Aristotle and Theophrastus, as is clear from the similar description in 1.55 (where the argument, however, is different).

¹⁵³See 3.86–89.

¹⁵⁴Cf. 3.89 (with note 110) for this view.

¹⁵⁵Literally, "free man," as in 1.17 and elsewhere.

of discussion to be outside of their competence, and that they always occupied themselves with speeches of every kind. One of them, Hippias of Elis, once came to Olympia, which was then thronged with great crowds for the famous games held there every four years. There he boasted, with nearly all of Greece for his audience, that there was nothing in any art, whatever its subject, that he did not know. He meant not only the arts on which a noble and gentlemanly¹⁵⁶ education is based (mathematics, music, the study of literature and poetry), or the doctrines on the nature of the universe, human behavior, and the affairs of state. He said that he had even made with his own hands the ring on his finger, the cloak he was wearing, and the shoes on his feet. No doubt he took things too far. But precisely from this it is easy to deduce how much of the truly splendid arts these orators wanted to possess, since they didn't spurn even the vulgar ones. Need I talk about Prodicus of Ceos, or Thrasymachus of Chalcedon, or Protagoras of Abdera? Every one of them, in those days, both spoke and wrote a very great deal even about the nature of the universe. The well-known Gorgias of Leontini himself, under whose advocacy, as Plato implied, the orator was forced to yield to the philosopher—but either he was never defeated by Socrates and this dialogue of Plato's is untrue, or, if he was, Socrates was obviously more eloquent and a more skillful speaker and, as you call it, a better and more copious orator. . . .¹⁵⁷ At any rate, in this very same book of Plato's, he claims that he will speak with great copiousness on whatever subject is submitted for discussion and investigation.¹⁵⁸ And Gorgias was actually the very first to dare, in large gatherings, to call on people to tell him what subject each of them wanted to hear about. And the Greeks paid him the enormous honor of setting up for him alone a statue at Delphi that was not gilded, but made of solid gold.

"Those I have mentioned, as well as many other great teachers of speaking, were all contemporaries. They are evidence that it is indeed as you say, Crassus, and that among the ancient Greeks the title of orator enjoyed a greater sort of range and and fullness, and greater glory. For this reason I am even less sure whether I should say that you deserve more praise, or the Greeks more blame. You were born in a society with a different language and different traditions; and in this extremely busy community, you are kept occupied by all kinds of concerns of private citizens, and by the administration of the world and the government of a vast empire. Yet you have embraced the study of an enormous range of things, and you have united all of that with the knowledge and practical experience of a man whose coun-

¹⁵⁶See previous note.

¹⁵⁷Catulus' sentence breaks off here, and he starts anew with "At any rate." This irregular structure (anacoluthon) mirrors his excitement, and thus the importance of the argument he makes about Plato's *Gorgias* (similar to Crassus' remark in 1.47). This argument is one that Cicero has also made before in a general way, through Crassus (1.61–62) as well as Antonius (2.36–38): anyone who speaks well, does so qua speaker. It is even more pointed here, in that it turns the outcome of the *Gorgias* on its head.

¹⁵⁸Plato, *Gorgias* 447 C–448 A.

sel and speech make him an influential figure in this same community. But the Greeks, though they are born with books in their hands, are fired with enthusiasm for these pursuits, and truly revel in leisure time, have not only failed to add to their possessions, but have not even managed to preserve intact the patrimony that was handed down to them as their own.¹⁵⁹

132–143 *Crassus on the old unity in Rome and in Greece; his conclusion*

“Not only in this case, Catulus,” said Crassus, “but also in several others 132
has the great scope of the arts been diminished because of the separation
and distribution of their parts. Or do you think that in the time of Hip-
pocrates of Cos there were some doctors who treated illnesses, others who
treated wounds, and still others who treated the eyes? When Euclid or
Archimedes was working on mathematics, or Damon or Aristoxenus on mu-
sic, or Aristophanes or Callimachus on the study of language and litera-
ture,¹⁶⁰ surely you don’t think that these arts were so badly torn to pieces
that no one embraced the subject as a whole, but that different people set 133
aside for themselves different parts on which to expend their efforts? I my-
self have often heard my father and my father-in-law¹⁶¹ say that our own
countrymen too, if they wanted a reputation for outstanding wisdom, used
to embrace all the subjects, at least those that were known to our commu-
nity at that time. They could still remember Sextus Aelius, and we ourselves
have actually seen Manius Manilius¹⁶² walking to and fro across the forum,
which was a way of indicating that one was giving all fellow citizens the
opportunity for consultation. In the old days such men, either when they
were walking in the forum like this, or when they were sitting in their coun-
selor’s chair at home, were approached for advice, not merely about mat-
ters of the civil law, but even about marrying off a daughter, the purchase
of an estate, the cultivation of a field, in short, about every sort of responsi-
bility or business. This kind of wisdom was the hallmark of the old Publius 134
Crassus, of Tiberius Coruncanius, and of the extraordinarily intelligent Sci-
pio, the great-grandfather of my son-in-law,¹⁶³ all of whom were chief priests.

¹⁵⁹Their patrimony was the unified pursuit of speaking and knowing, which they have allowed to be split apart.

¹⁶⁰This refers to the art of “grammar”; cf. Glossary. Aristophanes is not the famous Athenian comic poet, but the scholar Aristophanes of Byzantium, who was one of the heads of the library at Alexandria. Callimachus is also mentioned as a scholar here, not as a poet.

¹⁶¹Crassus’ father-in-law was Scaevola, the interlocutor in the first book.

¹⁶²These two legal experts were also mentioned in 1.212 (together with another member of the Scaevola family).

¹⁶³Publius Crassus was a distant relative of our Crassus who lived in the second half of the 3rd century BC. The Scipio mentioned here (but nowhere else in *De oratore*) is the consul of 162 and 155 BC, who bore the nickname Corculum (approx. “shrewd heart”); Crassus’ son-in-law (Publius Cornelius Scipio Nasica) was also mentioned in 3.8.

Accordingly, they were consulted on all matters human and divine. At the same time, these people offered their trustworthy counsel in the Senate, before the people, in their friends' lawsuits, in war and in peace. Indeed, what did Marcus Cato lack except today's highly refined learning, imported from overseas? Surely, the fact that he learned the civil law did not prevent him from pleading cases, and his ability as a speaker did not make him neglect the knowledge of the law! He devoted his efforts to both fields, and excelled in them both. And surely, the influence he acquired by thus attending to the concerns of private citizens did not make him more reluctant to engage in politics! No one was a more vigorous speaker before the people, no one a better senator, and at the same time he was easily our finest general. In short, there was nothing that could be learned or known in our community at that time that this man did not investigate and know, and on which he did not also write. These days, by contrast, most people who come forward to acquire high honors and to conduct the affairs of State, do so unarmed and unprotected, without having acquainted themselves with anything, and without being equipped with any knowledge. And if someone does stand out above the multitude, he gets overconfident if he possesses one single quality—either courage in war or some military experience (these have pretty much become a thing of the past nowadays), or knowledge of the civil law (and not even comprehensive knowledge, for no one learns pontifical law, which is closely related to it),¹⁶⁴ or eloquence (which they think consists in shouting and in a rapid flow of words). But the kinship and community between all the noble arts,¹⁶⁵ and, in the end, also between the virtues themselves, this is something that is unknown to them.

“But let me return to the Greeks. At least when we are talking about things like this, we cannot do without them; just as we must look to our own countrymen for examples of virtue, so must we look to the Greeks for models of learning. It is said that at one time there were seven men among them who were considered wise and were actually called by that name.¹⁶⁶ All of these, with the exception of Thales of Miletus, were leaders of their communities. And is there anyone in that same period who, according to the tradition, was more learned or whose eloquence was better equipped with literary culture than Pisistratus? He is said to have been the first to arrange the books of Homer, which were previously in a state of confusion, into the order in which we have them today. He did not, to be sure, do his fellow citizens much good, but he enjoyed his pre-eminence in eloquence not without excelling in literature and learning. And what about Pericles? We have been told about his rich oratory. When he opposed the wishes of the Athenians with considerable severity for the good of their country, the

¹⁶⁴The pontifical law was the law guarded, and partly created, by the priests. It concerned religious as well as related matters, such as adoption.

¹⁶⁵Cf. 3.21.

¹⁶⁶See Index, “Seven Wise Men”; and 3.56 with note 65 for Cicero's handling of them.

very thing he was arguing in opposition to the popular leaders seemed popular and agreeable to all. The old comic poets, even though they did abuse him (which was allowed in Athens at the time), said that charm had dwelled upon his lips, and that he had also had such power that he left stings, as it were, in the minds of his audience.¹⁶⁷ Yet this man had not been trained by some ranter to bark at the waterclock,¹⁶⁸ but, as we have been told, he was taught by the famous Anaxagoras of Clazomenae, a highly accomplished man with a knowledge of the most important subjects.¹⁶⁹ And so it was that he, with his supreme learning, counsel, and eloquence, was the leader of Athens for forty years,¹⁷⁰ both in domestic politics and at the same time in matters of war. What about Critias and Alcibiades? Though they did not benefit their fellow citizens, they were certainly learned as well as eloquent. Didn't they owe their education to their discussions with Socrates? Who was it that provided Dion of Syracuse with the refinement of all kinds of learning? Wasn't it Plato? And it was also Plato, being not just a teacher of the tongue, but also of the mind and of virtue, who urged him to liberate his country, and equipped and armed him to do so.¹⁷¹ And then the arts by which Isocrates taught the son of the outstanding general Conon, the renowned Timotheus, who was a great general himself as well as an extremely learned man? Or were they different from the arts the famous Pythagorean Lysis employed with Epaminondas of Thebes, perhaps the greatest man of all Greece? Or from those Xenophon used with Agesilaus, or Philolaus with Archytas of Tarentum, or Pythagoras himself with the entire ancient Greek part of Italy that was once called Greater Greece?¹⁷² I, for one, think not. There was,

139

140

¹⁶⁷Crassus avoids being specific, but the actual reference is to the *Demoi* of Eupolis (fragment 102 Kassel-Austin = 94 Kock). The play was written after 418 BC, i.e., fairly long after Pericles' death in 429. In the original Greek, it is not charm (*lepos*), but persuasion (*Peitho*) that dwelled on Pericles' lips, but there was no normal Latin equivalent for this word.

¹⁶⁸In the Athenian courts, the time allotted to a speaker was measured by a water-clock (*clepsydra*). At a certain point it also came to be used for rhetorical practice speeches (see *Tusculan Disputations* 2.67).

¹⁶⁹This connection between Pericles and Anaxagoras, as well as the other connections listed in 3.139, were unhistorical in this form. They were, however, often accepted, and used, e.g., by philosophers who argued that philosophy was indispensable to a good statesman. The statesmen mentioned here by Crassus are, in this way, a direct model for Cicero's ideal orator, who is likewise supposed to acquire his knowledge from the philosophers, and to add to that the practical skills of politics and speaking.

¹⁷⁰Pericles actually was a leading statesman in Athens for a little less than thirty-five years (ca. 463 BC until his death in 429). Cicero may be exaggerating, or perhaps did not know the exact dates.

¹⁷¹This equipment and these arms are, of course, those of Platonic philosophy. For Dion's activities mentioned here, see Index.

¹⁷²The southern part of Italy (see note 113 at 2.154).

I find, one kind of instruction that covered everything suitable for a person of learning who at the same time desired pre-eminence in the state. Those who had received this instruction, provided that they also had a talent for expression and that they had, with some support of nature, devoted themselves to speaking, are the ones who possessed unsurpassed eloquence.

141 "Even Aristotle acted accordingly, when he saw Isocrates prospering on account of the renown of his pupils, having altered the character of his discourses, turning from judicial and political cases to cultivating an empty elegance of language. Aristotle then suddenly almost totally changed the form of teaching in his school, quoting a verse from the *Philoctetes*, in a slightly modified form. Philoctetes says that it is disgraceful for him to keep silent while allowing barbarians to speak, but Aristotle said, 'while allowing Isocrates to speak.'¹⁷³ So he decided to give distinction and brilliance to the whole body of his teachings, linking knowledge with practice in speaking. Nor did this escape the notice of the very wise king Philip, who sent for him to be the teacher of his son, Alexander, who was to learn from this same man both the precepts for action and those for eloquence.

142 "Now if anyone wants to give the name of orator to the philosopher who imparts to us a full range of subject matter as well as fullness of speech, he may do so as far as I'm concerned. Or if someone prefers to give the title of philosopher to this orator who, as I say, unites wisdom and eloquence, I shall not hinder him. But it should be clear that no praise is due to the dumbness of the person who has mastered the matter but cannot unfold it in speech, nor, conversely, to the ignorance of the one who does not have the subject matter at his command, but has no lack of words. If we must choose between these alternatives, I myself would prefer inarticulate wisdom to babbling stupidity. But if we are looking for the one thing that surpasses all others, the palm must go to the learned orator. If they¹⁷⁴ allow that he is also a philosopher, then the quarrel is over. If, however, they keep the two distinct, they will be inferior in that all their knowledge is present in the perfect orator, while the knowledge of the philosophers does not automatically imply eloquence. And although they scorn it, yet it is inevitably true that eloquence somehow sets a capstone upon their arts."

After saying this, Crassus was silent for a while, and the others also remained silent.

144–147 *The others react*

144 Then Cotta said: "For my part, Crassus, I cannot complain that, as it seems to me, you have discussed something different, something that you had not undertaken to treat. For you have contributed considerably more than the share we had demanded from you. Certainly, what happened instead was

¹⁷³The rivalry between Aristotle and Isocrates was much emphasized in the ancient biographical reports (see Düring 1957: 299–314). The *Philoctetes*, a tragedy, was most probably Euripides' play of this name, now lost (this verse is fragment 796 Nauck).

¹⁷⁴The vague "they," here and in what follows, refers to the philosophers.

this.¹⁷⁵ It was your part to speak about giving brilliance to a speech, and you had actually already embarked on the subject and had divided all of the qualities of speech into four parts.¹⁷⁶ Then, having spoken about the first two (adequately, at least for our purposes, but as you yourself said, rapidly and on a limited scale),¹⁷⁷ you left for yourself the other two, namely how we are to speak firstly with distinction, secondly also with suitability—but once you had embarked on this, you were suddenly swept far away from land by the swell, so to speak, of your genius, and carried out to open sea, almost out of everybody's sight. For you embraced the whole of knowledge, and though you did not impart that to us (nor indeed was this possible in such a limited amount of time), still, while I don't know how successful you were with these people here, you have driven me at any rate entirely into the Academy.¹⁷⁸ And I would like to think that the view you have often put forward is true: that it is not necessary to spend one's whole life there, and that he who has merely looked at these things can see them in their entirety.¹⁷⁹ But even if the process is sometimes more laborious, or if I am more slow-witted than that, I shall certainly never rest or give up before I have grasped their¹⁸⁰ double-edged methods of arguing both for and against every point of view."

At that point Caesar remarked, "I was particularly struck by one of your comments, Crassus, namely your contention that if someone has not learned something quickly he will never be able to master it at all.¹⁸¹ This implies that it is not difficult for me to put myself to the test—I shall either immediately grasp the things that you have praised to the skies, or, if I am unable to do so, not waste my time while I can still be content with our normal practices."¹⁸²

"To tell you the truth, Crassus," said Sulpicius at this juncture, "I have no need for that Aristotle or that Carneades of yours, or for any philosopher, and you are free to believe that I despair of being able to master this stuff, or that I despise it—as I in fact do. For me our common knowledge of the ordinary affairs of the forum is quite sufficient for the kind of eloquence that

¹⁷⁵Cotta here describes how Crassus, from 3.52 onward, came to discuss the subject of knowledge instead of the more restricted subject of style.

¹⁷⁶In 3.37.

¹⁷⁷The first two qualities of style were treated in 3.38–51, where Crassus repeatedly insisted on brevity (see also 3.52).

¹⁷⁸That is, Cotta has been convinced that as an orator he must acquire the knowledge of a philosopher, in order to be able (just as the philosophers from the Academy) to argue every possible point of view. Cicero has given this statement to Cotta obviously also because of the historical Cotta's later philosophical affiliation with the sceptical Academy (which is reflected in his appearance as the Academic spokesman in the third book of *On the Nature of the Gods*).

¹⁷⁹See especially 3.86, 89, and 123–124.

¹⁸⁰"Their," i.e., the Academics'.

¹⁸¹See 3.89 (with note 110).

¹⁸²I.e., those of the practical, Roman orator.

I aim for. And even in this field, there is a lot that I do not know, and this I investigate only when some case that I must plead requires it. For this reason, if you are not perhaps already tired out, and if we are not being bothersome, turn again to the questions that are relevant to the excellence and splendor of speech itself. I wanted to hear about these things from you not so that I might despair of being able to attain eloquence, but in order to add something to what I know."

148–149a *Crassus begins the technical
discussion of distinction*

- 148 "Those are common things that you are asking for," Crassus replied, "and not unfamiliar to you either, Sulpicius. For is there anyone at all who has not taught this kind of thing, given lessons in it, or actually left writings about it? Yet I will oblige you and give you a brief account, at least of what I know. Still, I will follow my conviction that in these matters, petty though they may be, we ought to go back to the authorities who invented them.¹⁸³
- 149 "Well then,¹⁸⁴ every speech is composed of words, and we must first look at the method of handling them separately, and then in combination. For a certain kind of distinction of speech depends on individual words, while another depends on their connection and combination.

149b–154 *Individual words; treatment
of the first two categories*

- "Well, the individual words that we employ are either the proper and, as it were, the specific names of things, which were practically born together with the things themselves; or they are used metaphorically¹⁸⁵ and, as it were,
- 150 put in a place that is not their own; or they are coined and created by us. In the case of proper words, the mark of an excellent orator is to avoid the commonplace and dull, and to employ fine and brilliant words that seem to contain a certain fullness and resonance. So in this category of proper words some choice has to be made, and in doing so, one must make an appraisal by using the judgment of the ears. In the process, a habit of speaking one's
- 151 language well is also very valuable. Accordingly, the comments that laymen generally make about orators, that 'this fellow uses the right words,' or that someone 'doesn't use the right words,' are not dispensed by means of an art, but are based on the judgment of some sort of natural instinct. In this regard, avoiding mistakes is no great distinction—although it is important—, but still, having a great store of the right words that one can
- 152 employ is the basis, so to speak, the foundation of the whole thing. But it

¹⁸³These authorities are probably Isocrates (see 3.173), and especially Aristotle and Theophrastus (see 3.182–187, 193, and note 199 at 3.159).

¹⁸⁴Crassus now proceeds to discuss the third quality of style, distinction.

¹⁸⁵Here and in what follows, we use the English technical term "metaphor." The Latin used by Cicero (*translatio* and cognates) was likewise a technical term (and originally a literal translation of the Greek *metaphora*).

seems that the point we should investigate and develop is rather what the orator himself must build on this, and where he must apply his art.

"In the category of individual words, then, there are three types that an orator can employ to lend brilliance and distinction to a speech¹⁸⁶: unusual words, new coinages, and metaphors. Unusual words are, for the most part, archaic ones, words that have long since been abandoned in everyday language because of their antiquity. Their use is more open to the license of the poets than to us, yet a poetic word is, by way of exception, dignified in a speech as well. For I would not shrink from saying,¹⁸⁷ 'at what season the Carthaginian came into Italy' [*qua tempestate Poenus in Italiam venit*], as Laelius¹⁸⁸ did, or 'scion' [*proles*], or 'progeny' [*suboles*], or 'utter' [*effari*], or 'be declared' [*nuncupari*], or, as you, Catulus, like to say, 'I did not deem' [*non rebar*],¹⁸⁹ or 'I opined' [*opinabar*]; or from using many other such words. When put in the right places, they often tend to enhance the grandeur and antiquity of a speech.

"Coined words¹⁹⁰ are those that are created and brought into existence by the speaker himself, for instance by a combination of words, as in these examples:

Dread outheartens all my sense from me, I'm totally terrified¹⁹¹;
I suppose you don't mind if I his crafty-speaking wickedness . . .¹⁹²

You see that both 'crafty-speaking' [*versutiloquas*] and 'outheartens' [*expectorat*] are words created through combination, not born in a natural way. But often words are also coined without the use of combination, for example the phrase, 'the abandoned oldster' [*senius desertus*], or 'the creationary gods' [*di genitales*], or 'to get crookified by rich supply of berries' [*bacarum ubertate incurvescere*].¹⁹³

¹⁸⁶In the preceding sections (3.149–152), Crassus started from the several different categories of words in use (proper words, coinages, and metaphors), and argued that most of the proper ones (viz., those proper words that are usual) do not contribute to stylistic distinction (*ornatus*). For the purposes of *ornatus*, this first category is thus narrowed down to the unusual, archaic words, and here, Crassus reformulates the three categories accordingly.

¹⁸⁷See Innes 1988 [1989]: 309–311 on these examples.

¹⁸⁸Laelius often used archaic words, as Cicero tells us in *Brutus* 83. There is no reason to change the name to *Caelius* (or *Coelius*) here (as most editors do), and to take this as a reference to the historian Coelius Antipater (see Lebek 1970: 41–44).

¹⁸⁹In 3.82, Cicero has actually made the interlocutor Catulus use this phrase.

¹⁹⁰On this section see Innes 1988 [1989]: 311–314.

¹⁹¹From Ennius' tragedy *Alcmaeon* (line 26 ROL).

¹⁹²This may be from Accius' tragedy *Armorum iudicium* (*The Award of the Arms*), but this is not certain (see Wilkins; the line is quoted at ROL II, p. 620).

¹⁹³The second and third examples are (almost certainly) from Ennius, respectively his *Annals* (line 114 ROL) and his tragedy *Eumenides* (line 159 ROL), so the first may also be from him. *Senius* ("oldster") stands for *senex* ("old man"), the *di genitales* ("creationary gods") may be those involved in the creation of the world, or be connected with Romulus (mentioned in the rest of the verse as it is quoted elsewhere), "the gods who gave him birth."

155–161 *Metaphors: general remarks*

- 155 "The third mode, that of using metaphor, has a wide application. It was necessity, caused by poverty and shortage, that first produced metaphor, but afterward its pleasantness and charm made it popular. Just as clothes were first invented in order to ward off the cold, but later began to be used also for giving the body distinction and dignity, so metaphors were first established because of a shortage of words, but came to be used frequently because of their charm. For instance, even farmers say that 'the vines are bejewelled' [*gemmare vitis*], 'there is luxury in the grass' [*luxuriam esse in herba*], and 'the crops are happy' [*laetas segetes*].¹⁹⁴ When something that can scarcely be signified by a proper word is expressed by means of a metaphorical one, what happens is this: the meaning we want to convey is clarified by the resemblance between this thing and the thing that we evoke by means of the metaphorical word (which belongs to another context). Therefore, such metaphors are borrowings, so to speak, since you take what you do not have from another source. Other metaphors are a little bolder, namely those that do not compensate for a shortage, but introduce some splendor to a speech. I am sure there is no need for me to specify for you either their categories or the method of discovering them.
- 156
- 157 "Anyway,¹⁹⁵ we should only use those metaphors that either make the matter more vivid, for example, all of the following¹⁹⁶:

The sea shudders,
Darkness doubles, blackness of night and of clouds blots out the light
of day,
Fire flashes 'mid the clouds, the heavens shake with thunderclaps,
Hail that's mixed with lavish rain falls headlong down so suddenly,
All the winds burst out from every side and savage whirlwinds rise,
Feverishly the sea is boiling . . .

¹⁹⁴Unfortunately, Cicero is wrong about the first example (Wilkins; Innes 1988 [1989]: 315): the meaning "jewel" of *gemma*, which he takes to be the original one, is almost certainly a metaphor, while the meaning "bud" is original (with the verb *gemmare* meaning "to bud, to swell"). The second example is probably also incorrect: *luxuries* probably meant "luxuriance," with "luxury" as the derivative meaning, not the other way round. The third example ("happy" as a metaphor for "rich, lush") is probably correct.

¹⁹⁵At the beginning of this section, the manuscripts have a sentence that offers, among other things, a definition of metaphor. The difficulties with this are so great that deletion seems the best course; see Wilkins (the explanation by Innes 1988 [1989]: 316 seems insufficient).

¹⁹⁶The following passage is from a tragedy by Pacuvius (lines 353–360 *ROL*), possibly his *Teucer*; the storm is the one that surprised the Greeks on their way back from Troy. The metaphors here are based on personification, in that words normally used for (actions of) human beings are used about the sea, the sky, etc.

(it is in order to achieve greater vividness that almost all of this has been expressed by means of words that are used metaphorically on the strength of their resemblance); or those that help us to express the whole matter more strongly, be it an action or a thought—as the man does who uses two words metaphorically to reveal, precisely by the resemblance, a person who intentionally conceals what is going on, and hopes it will not be understood¹⁹⁷: 158

Since with words he cloaks himself all round, and carefully fortifies himself.

Sometimes one also achieves brevity by the use of metaphor, for example in the phrase, 'if the weapon fled from the hand.'¹⁹⁸ The unintentional nature of the release of the weapon could not have been expressed more briefly in proper terms than it is now, signified by one metaphorically used word.

"In this connection, I quite often find myself wondering why everyone should be more delighted by metaphorical words, which are used where they do not belong, than by proper words, which do belong to the things they signify.¹⁹⁹ If something does not have its own name and proper designation, like a 'sheet' in the case of a ship, or a 'bond,' which is conducted with scales, or a 'parting' in the case of a wife,²⁰⁰ necessity forces you to take what you do not have from another source. But even with things that have a copious supply of words belonging to them, people still take much more delight in words drawn from elsewhere, at least if some discrimination is employed in using them metaphorically. I suppose this is the case either because it is a sign of natural talent to leap over what is lying before one's feet and instead to take up something brought from afar; or because the hearer is led somewhere else in his thoughts, but without going astray, which is a great delight; or because each individual word evokes the thing itself as well as a complete simile of it²⁰¹; or because all metaphors, at least those that have been chosen with discrimination, appeal directly to the senses, especially to the sense of sight, which is the keenest. The 'fragrance' of refinement, the 'tenderness' of humane feelings, the 'murmur' of the sea, and the 'sweetness' of speech are expressions derived from the other senses; but those that belong to the sense of sight are much more striking, putting what we can- 160 161

¹⁹⁷"The man who uses . . ." is the character in the tragedy from which the line is taken; it was perhaps by Accius (ROL II, p. 620).

¹⁹⁸From the Twelve Tables, 8.24 (ROL III, pp. 492–493).

¹⁹⁹The approach in the following sections is close to Aristotle's; see Leeman 1963: 130–131; Innes 1988 [1989]: 317–318.

²⁰⁰The Latin words in question are, respectively, *pes*, literally "foot," which was also used for the sheet, i.e., for the rope by which each of the two lower corners of a sail was fastened to a ship; *nexum*, which indicated a transaction formally conducted with bronze and scales (mentioned also in 1.173); and *divortium*, used for a "parting" of rivers, etc., but also the regular word for a divorce.

²⁰¹This point is based on the common notion that a metaphor is a shortened simile.

not really see almost before our mind's eye. There is, you see, nothing in the world whose designation we cannot use in connection with other things. For if something can be the source of a simile—and everything can—, then from this same source a single word containing the resemblance, when used as a metaphor, can lend brilliance to a speech.²⁰²

162–165 *Metaphors: guidelines for their use*

- 162 “In using metaphors, we must in the first place avoid a lack of resemblance, such as in ‘the great arches of heaven.’²⁰³ Although Ennius introduced onto the public stage, as the saying goes, the notion of a heavenly sphere, an arch still doesn’t bear any resemblance to a sphere.²⁰⁴ Contrast this example:

Live, Odysseus, while you may!
Snatch with your eyes your last ray of light!²⁰⁵

- 163 He did not say, ‘take,’ or ‘seek’—for that would imply the delay of someone hoping to live longer—but ‘snatch’; this word is well suited to what he had just said, ‘while you may.’ Next we must see to it that the resemblance is not far-fetched. ‘The Syrtis of his inheritance’ I would rather call ‘the reef,’²⁰⁶ and for ‘the Charybdis of his possessions,’ I would have preferred ‘whirlpool,’²⁰⁷ since the mind’s eye is drawn more easily to things that we have seen than to those we have heard of. Moreover, since perhaps the greatest merit of metaphorical language is that metaphors have a striking effect on the senses, we should avoid any baseness in the things to which the minds
- 164 of our audience will be pulled by the resemblance. I don’t like people to say that by the death of Scipio, the State has been ‘castrated’; I don’t like Glau-
cia to be called ‘the dung of the Senate House.’ However close the resemblance might be, still the thought of it is offensive in both cases. Also, I don’t like metaphors to be stronger than the subject demands, for instance, ‘a storm

²⁰²E.g., from the simile “he fought like a lion,” one can construct a metaphor by taking the word “lion” (which contains the resemblance): “in this fight, he was a lion.”

²⁰³From an unknown tragedy by Ennius (line 387 ROL).

²⁰⁴The reasoning is rather unclear, but seems to be as follows: Ennius was the first (in Latin) to use the notion of a “sphere” (or the word *sphaera*) in connection with the heavens (and was correct to do so, cf. 3.178). He should therefore have known better than to compare the heavens to an arch, which has an essentially different form. (Wilkins’ explanation of the passage seems faulty.)

²⁰⁵From a tragedy, possibly Ennius’ *Ajax* (cf. ROL II, p. 610); the speaker is the raging Ajax, who thinks he is about to kill Odysseus.

²⁰⁶Syrtis was the name of two areas of dangerous shoals off the coast of North Africa (between Carthage and Cyrene).

²⁰⁷Charybdis is the sea monster, a personified whirlpool, that lies opposite the lair of the monster Scylla; in *Odyssey* 12.208–259, Odysseus’ ship has to pass between them (cf. *Odyssey* 12.73–126).

of revelry,' or weaker, for instance, 'the revelry of a storm.' And I don't like a word that is used as a metaphor to be narrower in scope than the proper and literal word would have been, as in:

Please do tell me why do you nod people back from approaching
you?²⁰⁸

'You forbid' or 'prohibit' or 'deter' would be better, since the man in question had said:

Stay where you are,
lest my tainted touch or very shadow harm good people . . .

Moreover, if you are worried that a metaphor might seem a little harsh, you can frequently soften it by means of an introductory word. For example, if someone at the time had said that Cato's death had left the Senate an 'orphan,' it would have been a little harsh; but 'so to speak, an orphan' sounds somewhat milder. In fact, a metaphor ought to be restrained, and being in a place that is not its own, it must appear to have been escorted there, rather than to have burst in; it must seem to have come with permission, not by force. 165

166–170 *Related devices (tropes); summary*

"Among individual words, there is no mode of expression more outstanding than metaphor, and none that lends more brilliance to a speech. There is another device derived from this type, but this is not based on the metaphorical use of one word. It is made up of a succession of several connected metaphorical words, with the effect that one thing is said, but another has to be understood.²⁰⁹ For example: 166

and I won't allow myself to strike
a second time upon the self-same reef, as once the Greek fleet did,²¹⁰

²⁰⁸This and the following quotations are from Ennius' tragedy *Thyestes* (lines 361 and 358–359 ROL). This line is spoken by the chorus, the other two by Thyestes, who is polluted because he has tasted the flesh of his children.

²⁰⁹This latter part of the description evokes the etymology of the Greek word for this device, *allegoria* (ἀλληγορία), "other-speech." This brief discussion of allegory (3.166–167) does not really belong here, as Crassus himself indicates, since he is now (3.149–170) treating individual words; nevertheless, its closeness to metaphor makes this a suitable place.

²¹⁰The speaker of these verses compares his situation to that of the Greek fleet. The source of the quotation (ROL II, p. 624) is unknown; it may be from a tragedy, but also from a comedy.

or again:

Wrong, you're wrong! You're overconfident and prancing, but the
strong
reins of law shall curb you, halt you under the yoke of discipline.²¹¹

- 167 With this device a matter comparable to the subject is chosen, and then words properly belonging to that are, as I said, applied metaphorically to that original subject. This gives great distinction to a speech, but in employing it one must avoid obscurity (in fact, this is generally how so-called enigmas are constructed).²¹² This mode, however, does not depend on a single word, but on a continuous passage, that is, on a series of connected words.

"By contrast,²¹³ the artifice of the following substitution, that is, of metonymy,²¹⁴ does depend on a single word:

Africa's quivering now that it trembles with terrible turmoil.²¹⁵

Here, 'Africans' is replaced by 'Africa.' The word is neither newly created, as in 'the sea with its rock-breaking waves,' nor a metaphor as in 'the sea is softened,'²¹⁶ but for the sake of imparting distinction, one proper word is substituted for another.

Cease, Rome, your enemies . . .
The great fields are witnesses . . .²¹⁷

This is an impressive way of imparting distinction to a speech and should be employed often. The following expressions are examples of this same category: 'in war, Mars fights on both sides,' the use of 'Ceres' for crops, 'Liber' for wine, 'Neptune' for sea, 'Senate House' for Senate, 'the Campus Mar-

²¹¹From an unknown tragedy (ROL II, p. 604).

²¹²The Latin word *aenigma* is the normal word for "riddle," but is a loan word from the Greek (hence "so-called"). An example would be the famous riddle of the Sphinx, which is an allegory of human life ("What walks on four legs in the morning, on two at noon, and on three in the evening?").

²¹³Crassus has now discussed metaphor (3.155-166) and, as a sort of appendix to that, allegory (3.166-167), both of which are so-called tropes (i.e., changes of a word or phrase from its proper meaning to another); he now (3.167-169) completes the list of the most important tropes by adding metonymy, synechdoche, and catachresis.

²¹⁴Here and in what follows, we use the English technical term "metonymy" for Cicero's *immutatio* (and cognates), which was likewise a technical term.

²¹⁵From Ennius' *Annals* (line 306 ROL).

²¹⁶The origin of the first quotation is unknown, that of the second is Pacuvius' tragedy *Chryses* (line 83 ROL).

²¹⁷Both lines are from Ennius, probably from his *Scipio* (ROL I, p. 398). In the first, "Rome" stands for "Romans"; in the second, the metonymy may consist in the substitution of the description ("great fields") for the proper name of these fields.

tius' for the assemblies, 'toga' for peace, 'arms and weapons' for war.²¹⁸ Also in this category is the use of the virtues and vices for the actual people who possess them: 'the house invaded by luxury,' and 'where avarice has found its way,' or 'loyalty has prevailed,' 'justice has done its work.' I am sure you see what this whole category is like; we find it when the same thing is formulated in a more distinguished way through the use of an adapted, metonymic word. Closely related to this category is another group of expressions that are less distinguished, but still not negligible²¹⁹—when we want either a part to mean the whole (for instance, when we say 'walls' or 'roofs' instead of 'buildings'); or the whole to mean a part (for instance, when we call one squadron of horsemen 'the cavalry of the Roman people'); or one to mean many:

Yet—the Roman, despite the success on the field of battle
Trembles at heart²²⁰;

or when many means one:

Romans are we now, who formerly were Rudini²²¹;

in short, in this category, something, in some way or other, means not what it literally does, but what it is intended to mean. Also, we often use a word by way of catachresis.²²² This device is less refined than metaphor, but even if rather loose, it is sometimes not without delicacy. For instance, when we say 'a full-grown speech' instead of a 'long' one, or 'a tiny mind' instead of 'a small mind.' But surely you see that the other device, which is made up, as I have explained, of a succession of several metaphors,²²³ is not a matter of a single word, but of a continuous passage, while these devices, which are either metonymies or mean something other than they literally do, consist in words that are, in some way, metaphorical.

²¹⁸Mars was the god of war, Ceres the goddess of grain and fruits, Liber an Italian god of wine, and Neptune the god of the sea. The elections were held in the Campus Martius. The toga could stand for peace, since it was the civilian dress of free-born Romans; in his poem on his own consulship, Cicero wrote, "Let arms yield to the toga" (*cedant arma togae*, fr. 8 Mueller).

²¹⁹This group comprises the different varieties of the trope of synecdoche.

²²⁰Most probably from Ennius' *Annals* (ROL I, p. 434).

²²¹From Ennius, probably his *Annals* (ROL I, p. 434). He is speaking about himself here: he was born in Rudiae (in southern Italy), and was later granted Roman citizenship.

²²²The technical term "catachresis" corresponds to the Latin technical term *abusio* (a cognate of which is employed here by Cicero). Cicero uses the term to indicate a weak sort of metaphor (here and in *Orator* 94; thus *Rhetoric for Herennius* 4.45), a usage different from that of later sources, where it normally indicates a necessary metaphor (i.e., a metaphor employed because no ordinary word is available; cf. 3.155); cf. Innes 1988 [1989]: 324–325.

²²³Crassus refers to allegory; see 3.166 above.

- 170 "Thus, individual words are praiseworthy if they belong to one of the three following types: words that belong to the past, which normal usage can nevertheless tolerate; words created by means of a combination or a new formation—and here we must likewise respect the ears and normal usage; and metaphors, which, more than anything else, mark our speech with shining stars, as it were, and thus give it brilliance.

171–172 *The combination of words I: juxtaposition*

- 171 "The next point is the connection of words, which involves, in particular, two requirements: they must, in the first place, be arranged, and in the second, have a certain cadence and form.²²⁴ Their arrangement includes putting together and positioning the words in such a way that their juxtaposition is neither harsh nor gaping, but well joined and smooth.²²⁵ In this regard, there are some playful and witty lines by Lucilius (who could do such things with particular elegance), put in the mouth of my father-in-law²²⁶:

Charming, the way that he's putting together *ses phrases*: like pebbles
All set artfully in the floor in intricate patterns.

After mocking Albucius with this gibe, he didn't even leave me alone:

Crassus I have for a son-in-law—so don't you give me
Your *rhétorique*!

Well then, this Crassus (since you drag in his name, Scaevola)—what is it that he accomplishes? Precisely what is at issue here²²⁷—to be sure, as Lucilius claims and I myself would hope, with a little more success than Al-

²²⁴This division is apparently traditional, but the content of the second category in Cicero (discussed below in 3.173–198) is not (see Introduction p. 36).

²²⁵This aspect involves the last letter(s) of one word and the first letter(s) of the next. The juxtaposition of two words was considered harsh when certain consonants followed on certain others, such as in *ars studiorum* (the example given in Quintilian 9.4.37); possible examples in English (condemned by the poet Robert Graves) are "break ground," "maid's sorrow," "great toe" (Wilkinson 1963: 22). A juxtaposition was gaping (so-called hiatus) when one word ended with a vowel and the next began with one, as in *pulchra oratione* (Quintilian 9.4.36); this was avoided especially in Greek, less so in Latin (see Cicero, *Orator* 77; Wilkinson 1963: 20–22).

²²⁶These three lines are lines 84–86 ROL (= 84–86 Marx); they are from the second book of Lucilius' *Satires*, where he parodied the clash between Albucius and Crassus' father-in-law Scaevola (the speaker in our first book), including the trial of 119/118 BC, in which Albucius charged Scaevola with extortion (see 1.72, with note 53; 2.281). Scaevola had earlier ridiculed Albucius for his hellenomania: the latter's love of things Greek went much further than was acceptable to many of his contemporary fellow Romans. In parody of this, the verses contain several Greek words, here rendered by French phrases.

²²⁷I.e., the skillful arrangement of words.

bucius. But he was just making fun of me, as usual. This does not, however, alter the fact that we must indeed attend to this arrangement of words that I am talking about. It will make a speech hang together, and give it coherence, smoothness, and a steady flow. You will achieve this by joining the words in such a way that there is no harsh clash between the end of one and the beginning of the next, nor too wide a separation.²²⁸ 172

173–181 *The combination of words II: rhythm and
periodic structure: general remarks; the
application easy and useful*

“After this point, which requires careful attention, comes that of the form and cadence of the words, a subject that, I’m afraid, Catulus here will find childish.²²⁹ According to the old masters,²³⁰ we should employ what are nearly verses, that is, particular rhythms, in our prose. For they wanted the ends of sentences in our speeches to give us opportunities for regular breathing, and not to occur only when we are tired out²³¹; they wanted them to be determined not by the punctuation marks in the written text, but by the cadences of the words and thoughts.²³² Isocrates is supposed to have been the 173

²²⁸See note 225 above.

²²⁹Under this subcategory, Cicero includes not only the construction of periodic sentences, as the standard treatments did, but also prose rhythm (cf. Introduction, p. 36). Crassus has two reasons to think that Catulus will find the whole subject childish: Catulus is a poet and thus very familiar with matters involving rhythms (this is especially relevant because of the link with poetry that is repeatedly mentioned in what follows); moreover, he is supposed to be familiar with Aristotle and Theophrastus, to whose views Crassus will repeatedly refer (see 3.182–187, 193).

²³⁰As in 3.148, these “old masters” are as yet unspecified, although readers will have understood that they were Greeks. Crassus apparently means Isocrates (below) and especially Aristotle and Theophrastus.

²³¹Cicero’s expression here is a bit obscure. He seems to imply that sentences must not be so long that we can only just manage to pronounce them before running out of breath (cf. 3.175), but be of moderate length and thus allow normal, regular breathing.

²³²A difficulty that pervades the whole account of prose rhythm first becomes apparent here, in that two ways of giving rhythmical shape to sentences seem to be confused (cf. Wilkinson 1963: 135–139). (1) The statement in the previous sentence about employing “what are nearly verses” in prose is relevant to rhythm in the strict sense (or “meter”)—that is, to arranging the words in such a way that they yield certain sequences of long and short syllables, especially at the *clausula* (sentence end) (cf. note 240 below). (2) The statement about the appropriate length of sentences and their cadences (“For they wanted . . . words and thoughts”) is relevant to structuring complex, “periodic” sentences as a whole. This confusion was fostered by a number of factors, among them the absence of a clear terminology, with the Latin word *numerus* (here translated by “rhythm”) doing duty for both (1) and (2). Also, in practice the two phenomena were often combined in one sentence, since a long period was often rounded off by a rhythmical *clausula*.

first to set about tightening up the ancients' crude way of speaking by applying rhythms, for the purpose of delighting the ear, as his pupil Naucrates writes.²³³ The musicians—who at one time were also poets—had devised two ways of giving pleasure, verse and song; they wanted to overcome satiety of the ears by giving delight, both through the rhythm of the words and the cadence of the voice. And the ancients thought that these two things, I mean modulating the voice and rounding off a sentence rhythmically, should be transferred from poetry to eloquence, as far as the serious nature of oratory would permit. In this connection, it is especially important to note that, while it is a mistake if the combination of the words in a speech produces a line of verse, at the same time we want this combination, like verse, to conclude rhythmically, to fit neatly, and to be well rounded. Among the many things that distinguish the orator from those unskilled and inexperienced in speaking, there is nothing that does so more clearly than this: the unschooled speaker crudely pours out as much as he can, and lets his breath, not art, determine the limits of what he says. The orator, on the other hand, so ties his thoughts to the words, that all of them are encompassed by a kind of rhythm that is at once confined and free. For after fastening the thoughts in the bonds of form and cadence, he loosens and frees them by changing the order, so that the words are neither confined as if by some fixed law of verse, nor so free that they just wander about.

"How then shall we enter upon this formidable task, in order to give ourselves the confidence that we can acquire this capacity of speaking with proper rhythm? Well, the task is a necessary one, but not overly difficult. For there is nothing as pliant and as flexible as speech, and nothing that follows as easily wherever you lead. From speech, verses are fashioned, but irregular rhythms as well; and from it we also fashion our unbound prose, in its various modes and its many types. The words used in conversation are no different from those we use in more energetic speech,²³⁴ nor are they drawn from one category for daily usage, and from another for use on the stage and in other forms of display. Rather, they lie within everyone's reach, and when we have picked them up, we form and shape them at will, like the most malleable wax. Accordingly, the way we speak is sometimes grand, sometimes plain, and sometimes we hold to a middle course.²³⁵ Thus, the style of our speech follows our thought as we have established it, changing and turning to delight the audience's ears in every way, and to stir up all kinds of emotions in their souls.

"In fact, in the case of speech, nature itself has forged the same wondrous pattern as it has in the majority of other things: what possesses the

²³³Later on, in *Orator* 174–175, written in 46 BC, Cicero gave Thrasy Machus the honor of having invented prose rhythm.

²³⁴"More energetic speech" (*contentio*) is, especially, speech as used by an orator.

²³⁵An allusion to the doctrine of the three styles (grand, plain, and middle), at home in the section on style in (a number of) the rhetorical manuals. It plays a negligible role in *De oratore*, and only became important for Cicero later, when he wrote his *Orator* in 46 BC.

greatest utility at the same time has the most dignity, and often even the most beauty.²³⁶ For the sake of the preservation and safety of all things, the natural disposition of our entire universe is such, as we can see, that the heavens are spherical; that the earth stands in the middle and maintains this position because of the tendency of its inherent force²³⁷; that the sun travels around it, sinking until it reaches the winter constellation,²³⁸ and then rising gradually in the opposite direction; that the moon receives the light of the sun as it approaches and withdraws from it; and that the five planets complete the same orbit as sun and moon, but with different motions and courses. This order has such force, that even a slight modification would make its coherence impossible, and also such beauty that a more magnificent spectacle cannot even be imagined. Turn your attention now to the form of the human figure, or even that of the other living creatures. You will find that no part has been attached to the body without some necessity, while the entire form has the perfection of a work of art, not of chance.²³⁹ What about these trees here? The trunk, the branches, indeed the leaves exist for no other purpose but to maintain and preserve the nature of the tree. Yet there is no part anywhere that is not beautiful. Let us leave the realm of nature, and consider the arts. In a ship, what is more necessary than the hull, the hold, the bow, the stern, the yardarms, the sails, the masts? Yet their appearance has such beauty that they seem to have been invented not only for safety's sake, but to give pleasure as well. Columns support temples as well as colonnades, yet they possess as much dignity as utility. It was not beauty, but necessity itself that built the gabled roof of the Capitol and the other temples. People first took account of how rainwater might flow down from both sides of the roof, and then the dignity of the gabled roof followed as a consequence of its utility for the temple; thus, it seems that even if the Capitol were built in the heavens, where no rain could fall, it would lack all dignity if it did not have a gabled roof. This same phenomenon occurs in the case of all the elements of speech: their utility, which virtually amounts to necessity, results in a certain kind of attractiveness and charm. It was failure or shortness of breath that brought about pauses at sentence endings and between words. But now that this practice has been discovered, it turns out to be so attractive that, even if someone had been endowed with unlimited breath capacity, we would still not want him to deliver his words in an unbroken flow.

²³⁶The whole idea of this "wondrous pattern" is basically Stoic (see Cicero's *On the Nature of the Gods* 2.58). The first example of the pattern, moreover, is akin to the Stoic notion of "cosmic sympathy" mentioned in 3.20, and itself also of Stoic origin (cf. *On the Nature of the Gods* 2.49–56, 98–119).

²³⁷The earth was generally thought to be at the center of the universe. It actually stays there, it is here said, because it was at the center of the universe, and all heavy bodies had a tendency to move to that center.

²³⁸I.e., the constellation of Capricorn—in other words, until it reaches, at the winter solstice, the tropic of Capricorn.

²³⁹A similar argument about the design of the human body is found in *On the Nature of the Gods* 2.133–153 (again a Stoic passage).

It was found that what gratifies our ears is precisely what is not only just bearable to human lungs, but actually easy to deliver.

182–186 *Rhythm and periodic structure continued:*
technical remarks

- 182 "Therefore, the longest possible series of words is that which can be unrolled in one breath; but this is the limit imposed by nature, art has another. In fact, while there are several rhythms,²⁴⁰ your Aristotle, Catulus,²⁴¹ declares a frequent use of the iamb and the tribrach²⁴² to be alien to the orator. They do turn up quite naturally in our speeches and everyday conversations, but their beats are too marked and their feet too short. For this reason he urges us, in the first place, to use dactyls. In this rhythm we may safely continue, but only for two feet or a little more, to avoid clearly lapsing into verse or into something resembling verse. For instance, the three dactylic feet, 'Twins so lofty are they, and to . . . ,'²⁴³ sound quite proper at the beginning of a pe-

²⁴⁰In classical Greek and Latin, "rhythm" is a matter of patterns of long (—) and short (˘) syllables, the sound of a long syllable being held out roughly twice as long as the sound of a short syllable (compare the difference between a quarter note and an eighth note in music). For example, the Latin word *femina* consists of a long syllable (fē) followed by two short ones (mī-nā), and thus makes up the pattern long-short-short (—˘˘), a so-called dactyl. In English, on the other hand, as well as in most other modern European languages, "rhythm" is made up of patterns of stressed and unstressed syllables. Words like "régular" and "térmínate," for instance, consist of one stressed syllable followed by two unstressed ones. Their rhythm (stressed-unstressed-unstressed) resembles that of *femina* (long-short-short), and is also called a dactyl. In the same way, the English examples in what follows have a stress-pattern equivalent to the long/short pattern of Cicero's own Latin examples (the English phrases at notes 245, 246, and 248 are indeed only rhythmically equivalent to the Latin; they are not literal translations of their Latin counterparts.)

In Greek and Latin poetry each verse is made up of units of rhythm called "feet," of which there are various types; the most important are the dactyl (—˘˘), spondee (—), iamb (˘—), trochee (—˘), anapaest (˘˘—), tribrach (˘˘˘), paeon (—˘˘˘ or ˘˘˘—), and cretic (—˘—). Since the length of two short syllables is virtually equal to that of one long syllable, a spondee (—) can sometimes take the place of a dactyl (—˘˘); this happens in the example given by Crassus below: *altae sunt geminae, quibus* (— / —˘˘ / —˘˘), which consists of three feet, a spondee followed by two dactyls (the same occurs in the English equivalent, "Twins so lofty are they, and to . . ."). Certain poetic genres were associated with particular rhythms (or "meters"); e.g., epic poetry was always written in dactylic hexameters, that is, in verses composed of six dactyls (or their equivalents, spondees).

²⁴¹This reference to Aristotle goes back to his *Rhetoric*, 3.8.4–5 (1408b32–1409a8). For the problematic relationship between that passage and this section, see Wisse 1989: 121–126.

²⁴²The Latin has *trochaeus*, which in Cicero stands for tribrach (˘˘˘), not for what we call trochee (—˘); see Wisse 1989: 123 note 79.

²⁴³The Latin example is *altae sunt geminae, quibus*; the source of this quotation is unknown.

riod. The same Aristotle also especially favors the use of the paean,²⁴⁴ of which there are two varieties. It can either begin with a long syllable, followed by three short ones, as in the words: 'terminating' 'instigating,' 'dominating.'²⁴⁵ Or it can begin with three shorts in succession, followed by a last syllable that is drawn out to form a long one, as in these examples: 'subjugate the land,' 'saddle of the horse.'²⁴⁶ This philosopher likes us to use the first type of paean at the beginning of a sentence, and the second at the end. If we do not look at the number of syllables, but measure these matters by the ear—which is a more reliable and discriminating judge—, then the second type is virtually equivalent to a cretic, which consists of a long, a short, and a long,²⁴⁷ as in:

Where can I find some help? Where to go? Where to turn?²⁴⁸

This rhythm was used by Fannius at the beginning of a speech: 'If, o Rome's citizens, that man's threats. . .'²⁴⁹ Aristotle believes that it is more suitable for the ends of sentences, which he prefers to be concluded, as a rule, by a long syllable.

"Certainly all this does not call for the painstaking care and diligence demanded of the poets. They are compelled by the constraints of their very rhythms and cadences to fit their words into the verse in such a way that nothing is longer or shorter than required, even by the smallest breath. Prose speech is freer, and is indeed clearly unbound, as it is called²⁵⁰—though not so much that it will slip away or wander about, but that, without being chained, it will set its own limits. For I agree with Theophrastus, who believes that speeches, at least those that are in any way shaped and polished, should be rhythmical, not rigidly, but somewhat loosely.²⁵¹ For on the one

²⁴⁴For Aristotle's remarks on the paean referred to in this section, see *Rhetoric* 3.8.5–6 (1409a6–21).

²⁴⁵The Latin examples are *desinite*, *incipite*, *comprimite*.

²⁴⁶The Latin examples are *domuerant*, *sonupedes*. The English examples have five syllables, the last four of which make up the pattern of the paean.

²⁴⁷Since two shorts were equivalent in length to one long syllable (above, note 240), the first two syllables of this type of paean (---) could be replaced by one long one, yielding a cretic (---).

²⁴⁸*Quid petam praesidi aut exequar? quove nunc . . .* Part of this line (from Ennius' tragedy *Andromache*, line 95 ROL) was already quoted in 3.102.

²⁴⁹*Si, Quirites, minas illius*. From a speech held during his consulship in 122 BC, against the legislation of Gaius Gracchus that proposed to give the Latin allies the Roman citizenship (ORF, p. 144, fragment 2).

²⁵⁰"Unbound speech" was the term used for prose, to distinguish it from verse, which was "bound" by the rules of verse rhythm. (The Latin is *oratio soluta*; the same word, *solutus*, is translated by "free" in 3.175 and 176 above.)

²⁵¹In sections 185–186, Crassus first proceeds to develop the latter point, about the looseness of prose rhythm, and then the former, about the need for prose to be rhythmical.

hand, he was right to suspect²⁵² that, out of the measures that are the constituents of the commonly used verse type,²⁵³ there arose, later on, the anapaest,²⁵⁴ a longer rhythm; and that from this the dithyramb originated, with its freer and more opulent structure.²⁵⁵ And it is the members and feet of the dithyramb, as he also writes, that are found everywhere in rich prose. On the other hand, if in all sounds and utterances rhythm is understood as the quality of having certain beats and of being measurable by regular intervals, then it is indeed justified to regard the rhythms of the type under discussion²⁵⁶ to be the mark of a good prose speech, provided they are not used without interruption. For if we are right to think that a constant, steady flow of babble without pauses is crude and unpolished, the reason for this rejection is surely that it is natural for the human ear to measure²⁵⁷ the rhythm of the sounds that are produced by a voice, and that this is impossible if they don't have any rhythm. And in a continuous sequence, there is no rhythm; rhythm is the product of separation, of a beat at regular, or often at varying intervals. We can discern it in falling drops of water (because they are separated by intervals), but not in an onrushing stream.

"In prose, then (which we are discussing), a series of words is much better fitted and more pleasant when it is separated into phrases and clauses²⁵⁸ than when it continues without a break. Therefore, the clauses in question will have to be organized into a pattern. If those at the end are too short, the circuit of the words, as we may call it, is broken off (that is how the Greeks call these cycles in speech).²⁵⁹ Therefore, the later clauses should either be

²⁵²Apparently Theophrastus had a theory on the development of prose rhythm from the poetic rhythms, but nothing more is known about it.

²⁵³Apparently the iambic verse type, which was the regular rhythm of comedy and tragedy.

²⁵⁴I.e., ~ ~ -.

²⁵⁵The dithyramb, a choral song in honor of Dionysus, was an old genre, which especially from the 5th century BC onward developed into a very free form (for its complicated history, see, e.g., *OCD* at "dithyramb"). Its free rhythms, Theophrastus obviously supposed, then gave rise to the use of free rhythms in prose.

²⁵⁶That is, the rhythms that also occur in poetry (iambic, dactylic, etc.), with their regular beats and intervals.

²⁵⁷The Latin word is *modulantur*; adopting the unusual meaning "to measure" (see *OLD* at 4) seems the best way of solving the difficulties of this sentence.

²⁵⁸The Latin terms are *articulus* (Greek *komma*) and *membrum* (Greek *kolon*) respectively; they indicate the smallest and the larger divisions in a periodic sentence. Aristotle discusses the division into clauses in *Rhetoric* 3.9.5-10 (1409b13-1410b5).

²⁵⁹"Circuit" translates *ambitus*, which was one of the many tentative Latin equivalents for the Greek "period" (*περίοδος*), which means "way round, cycle, circuit, going round in a circle." For the problematic nature of Aristotle's remarks on the subject, see Kennedy 1991: 239, 240 note 97.

as long as the preceding ones, the last one being as long as the first, or—which is even better and more pleasant—they should be longer.²⁶⁰

187–189 Interlude

“All this, at any rate, is what these philosophers (who are so very dear to you, Catulus) have said—a fact to which I testify all the more often, so that by citing authorities as my witnesses I might escape the charge of acting like a fool.” “What do you mean, acting like a fool?” rejoined Catulus. “Nothing could possibly be put forward that is more refined than your discussion, or be formulated in any way with more precision!” “Well, but I am afraid that these things might seem to our younger friends here too difficult to carry out in practice, or that, because they are not taught as part of the ordinary system, you will think that I want them to seem more important and more difficult than they really are.” “You are wrong, Crassus,” said Catulus, “if you suppose that I or any of these people here expects such everyday, hackneyed business from you. The things that you are telling us are exactly what we want to hear—and not just to hear, but to hear them told the way you are telling them to us. And in answering you like this, I am not just speaking for myself, but, without any hesitation, for all of us here.” “Really, I can tell you,” said Antonius, “I have now found what (in that little book that I wrote)²⁶¹ I denied I had ever found: a truly eloquent speaker. Still, I haven’t interrupted you, not even to praise you, since I did not want to shorten, even by one word from me, this very brief time that you are talking to us.”

190–198 Summary; the effect on a lay audience

“Well then,” continued Crassus, “you should form your speech according to this rule of rhythm both by practicing your speaking and by using the pen, which, in other areas but also in this one, contributes a great deal to our distinction and polish.²⁶² Yet, this does not require as much hard work as it seems, nor should we be guided in these matters by the very severe standard of the theorists of rhythm and music. We need only ensure that our speech is not diffuse and wandering, that it does not stop in the middle and does not run on too far, and that it is separated into clauses and has well

²⁶⁰The ancients mostly favored the use of clauses of increasing length. Quintilian (9.4.23) gives the following example from Cicero’s *Philippics* 2.63: *tu istis faucibus, istis lateribus, ista gladiatoria totius corporis firmitate* (“with that throat, with that big chest, with the whole of that strong gladiatorial body of yours [you had swallowed so much wine . . .]”).

²⁶¹The “little book” mentioned in 1.94 (see there, with note 69). Crassus mentioned it at a strategic point in Book 3 also, viz., in 3.54.

²⁶²Another reference to writing as an important exercise; cf. especially Crassus in 1.150–153, and also Antonius in 2.96–97.

rounded periods.²⁶³ But we should not always employ this technique of connecting our words into these so-called periods; our speech should often be broken up by the use of clauses that are much smaller, though these clauses themselves should still be tied together by the bond of rhythm. Nor should
 191 you let the paeon or dactyl worry you. They will turn up in your speech of their own accord—of their own accord, I say, they will present themselves and report without being summoned by name, provided that you have this habit of writing and speaking that I just mentioned.²⁶⁴ This will see to it that you complete your thoughts at the same time as your words, and that you make the combination of your words start from long, free rhythms (especially the dactyl, the first paeon, and the cretic), but let it come to a close in a variety of ways; for similarity is particularly noticeable at points where we pause. And if you pay attention to these beginning and ending feet in this way, those in the middle can pass unnoticed, provided that the period itself is neither shorter than the ear anticipates, nor longer than our strength and
 192 breath allow. But I think that the ends should be looked after with even more diligent attention than the earlier parts, because it is especially here that people make their judgment about whether our language is complete and well rounded. In a line of verse, equal note is given to the beginning, the middle, and the end, and if it falters, no matter where that happens, it is spoiled. In prose speech, however, few notice the beginnings, while most can discern the endings. So, because these endings are evident and easily recognized, we must vary them so that our audience does not condemn them, either on
 193 the basis of a conscious judgment or because their ears become satiated. In fact, we should carefully pay attention to, say, the last two or three feet, and clearly mark them off, at least if what precedes is not too short or abrupt; and these feet should be either trochees or dactyls,²⁶⁵ or trochees or dactyls alternating with the second variety of the paeon, which Aristotle favors, or with its equivalent, the cretic.²⁶⁶ Thanks to variations among these feet, our audience will not be sated by a steady diet of the same thing, and we will
 194 avoid giving the impression that what we are doing is intentional. Now Antipater of Sidon, whom you surely remember, Catulus, used to pour out

²⁶³"Period" translates *conversio*, which seems to be used as a technical term here (though it is preceded by *quasi*, "so-called," in the next sentence). The same word was used non-technically in 3.186 above, where we translate it by "cycle."

²⁶⁴In 3.190 above.

²⁶⁵The trochee (*chorius* in Cicero) consists of a long and a short (—~); the dactyl (—~~) has already been mentioned at 3.182 above.

²⁶⁶On the equivalence of this paeon (~~~—) and the cretic (—~-), see 3.183, with note 247. The sentence here is strange in terms of grammar (see Wilkins), but also in terms of content: in his own oratorical practice, Cicero actually seems to have avoided the dactyl near the end of periods (and especially the combination of dactyl plus trochee). It seems probable that the text is damaged, but a solution is not readily apparent.

hexameters²⁶⁷ off the top of his head, as well as other verses in various measures and rhythms. So in the case of this talented man, who had a good memory, practicing had such a powerful effect that, when he put his mind to it and concentrated on verse, the words automatically followed. How much easier, then, will it be for us to achieve the same fluency in prose speech, if we devote practice and training to it!

"No one should be surprised that the inexperienced crowd notices these things when it is listening, since in this area as in all others the power of nature is great and incredible. Everyone distinguishes what is good and bad in the systematic arts by means of a kind of inarticulate feeling, without the help of any art or system. People do so in the case of paintings, statues, and other works of art, for the understanding of which they are less well equipped by nature; and they display this capacity to a much greater degree when judging words, rhythms, and sounds, because these are deeply rooted in our normal instincts, and nature has wanted no one to be entirely devoid of a feeling for such matters. Consequently, not only artfully arranged words stir everyone's feelings, but rhythms and the sounds of the voice do so as well. After all, only a small minority understands the theory of rhythms and cadences; yet if the slightest mistake is made in these matters, and an element is contracted and becomes too short, or lengthened and becomes too long, the entire theater cries out in protest. And surely the same thing happens with voices: choruses and even soloists, if they sing out of tune, are hooted off the stage by the ordinary crowd. Considering the great difference between the expert and the unschooled in terms of performance, it is remarkable how little they differ when it comes to making a judgment. For, since art is derived from nature, it would seem to have failed completely if it did not stir the emotions and give delight in a natural way. And nothing is, in fact, so akin to our natural feelings as rhythms and the sounds of voices: they rouse and inflame us, calm and soothe us, and often lead us to joy and sadness. Their enormous power is more closely connected with poems and songs, and was not, I think, neglected by our very learned king Numa, or by our ancestors in general, as the lyre- and the flute-playing at ritual banquets²⁶⁸ as well as the verses of the Salii indicate.²⁶⁹ But it was ancient Greece that most frequently practiced music and song. I only wish you had preferred a discussion on this topic and other such questions rather than on

²⁶⁷The hexameter was the verse type characteristic of epic poetry (as mentioned in note 240 above). Its pattern is: ---/---/---/---/---/---. I.e., it consisted, roughly speaking, of six dactyls, most of which could be replaced by spondees (--).

²⁶⁸An example of such a banquet was the "Banquet for Jupiter": see 3.73 with note 91 (also for the role of Numa in such matters).

²⁶⁹The Salii ("Leapers") formed a ritual *sodalitas* (a college of priests), which, in Rome, was connected with Mars (other religious connections existed in other Italian towns). They held processions at certain public feasts, accompanied by ritual dances, at which they sang their hymn(s) (the *Carmen Saliare*).

198 these childish problems of metaphors!²⁷⁰ Anyway, just as the crowd discerns mistakes in verse, it also perceives if our speech limps in some way. But while they do not forgive a poet, they do make allowance for us; nonetheless, without being able to articulate it, all of them notice if what we have said is not well fitted and completely formed. In the same way,²⁷¹ the ancients (just as we see some people doing even today), being incapable of fashioning periods and, as it were, giving a rounded form to the words—for we have only recently begun to have the ability or the courage to do so—, spoke in clauses of three or of two, some of them even of single words. But despite their inadequate powers of expression, they did hold on to the demands that the human ear naturally makes: that these clauses they uttered should be equal in length, and that their pauses for breathing should occur at regular intervals.

199–201 *Summary of the preceding*

199 “I have now more or less described, as well as I could, the things that I think are especially relevant for imparting distinction to a speech. I have spoken about the praiseworthy qualities of individual words, about their combination, and about their rhythmical form.²⁷² But if you are also asking about the general character and complexion, as it were, of a speech, there is one kind that is full but at the same time rounded, another that is slender though not without vigor and force, and the one that has a share in both of these and is commended for a certain moderation.²⁷³ In each of these three forms there should be a kind of charming complexion, not as the result of rouge that has
200 been laid on, but of blood that flows through them.²⁷⁴ Then finally we must shape our orator with respect to both words and thoughts, so that he will act like those who fight with weapons or in the palaestra²⁷⁵; they believe that they should not only take account of how to strike and dodge, but also of how to move with grace, (and the orator must likewise make sure that he uses words and thoughts not only for proof and refutation, but also to
201 charm).²⁷⁶ Now there are almost countless ways of shaping both words and

²⁷⁰Antiquarian subjects such as ancient musical practices were very popular in Rome at the time; cf. the reference to “the studies popularized by Aelius” in 1.193 (with note 159).

²⁷¹The case of the ancients is comparable to that of the crowd, since it also illustrates that rhythm is natural, in that even those who cannot account for it are still able to judge it (the crowd), or produce some form of it (the ancients).

²⁷²Viz., in 3.149–170, 171–172, and 173–198 respectively.

²⁷³Again, a passing reference to the three styles, as in 3.177 (see there, with note 235).

²⁷⁴Cf. 3.96–103.

²⁷⁵“Those who fight with weapons” refers to gladiators (for a similar point, see 2.316). For the palaestra, see Glossary; here, the reference is to boxing.

²⁷⁶There is probably a lacuna in the transmitted text; the sense could be supplied in the way indicated here. (See also Appendix C, List of Readings, p. 319, for other adaptations of the transmitted text adopted here.)

thoughts into figures,²⁷⁷ as I am well aware that you know. But between the figures of speech and the figures of thought there is this difference, that a figure of speech disappears if you change the words, while a figure of thought remains no matter what words you choose to employ. Now I think I ought to remind you (even though you are actually already doing these things) not to think that there is anything else to be done by the orator (at least if what he does is to be outstanding and admirable) than, where individual words are concerned, to hold on to the three principles mentioned before: to employ metaphors frequently, newly created words occasionally, and by way of exception also words that belong to the past.²⁷⁸ Moreover, in continuous speech, once we have paid attention to the smoothness of word combinations and observed the principle of rhythms that I have discussed, we must mark our whole oration with a host of shining lights, so to speak, figures of thought and of speech.

202–205 *The figures of thought*

“For instance,²⁷⁹ dwelling on a single point makes a very strong impression, as do lucid exposition and laying things almost before people’s eyes, as if they are actually taking place; this device is very powerful both in lending brilliance to our account, when we are setting forth the case,²⁸⁰ and in amplification, in order to make what we are amplifying seem to our audience as important as our speech can make it. We can also often use the opposite

202

²⁷⁷Here and in what follows, we use the English technical term “figure.” Cicero’s own terminology (*conformatio* and related words; also *lumen*), though apparently not technical in the strict sense, likewise evokes the technical concept of figures, well known to his readers from standard rhetorical theory.

²⁷⁸See 3.155–169 (especially 166), 154, and 153.

²⁷⁹In the following sections, Crassus gives a very long list of figures, but without any examples or explanations. Consequently, it is often unclear what figure he is talking about. A number of them actually seem to be taken from elsewhere: argumentative strategies, parts of a speech (the digression), and elements from invention (ethos, pathos, humor). This obscurity, and even confusion, which has annoyed commentators as well as Quintilian (cf. 9.3.90–97), seems to be part of Cicero’s (and Crassus’) purpose. The rhetorical handbooks frequently offered a mixed bag much like this, and in this way, Cicero exposes the futility of the overprecise but often confused classifications of the figures found in these run-of-the-mill handbooks. Note especially the ironical way in which Crassus, after mentioning figures of “indecision” and “self-correction” in 3.203, introduces (in 207) “again another kind of indecision” and “another kind of self-correction,” without explaining the difference.

Assuming that this analysis is correct, it would, we think, be pointless to provide our readers with the examples and explanations that Cicero has intentionally avoided giving, and we have accordingly severely limited the number of footnotes. For those wanting a starting point for further explorations, we have nevertheless tried to identify the figures as far as that seemed possible also for an ancient reader; this material is provided in Appendix B.

²⁸⁰I.e., in the narration.

devices of rapid treatment, insinuation, which makes the audience under-
 stand more than you actually say, and cut down but clear brevity. There is
 also disparagement, and akin to this, mockery employed in a way that is
 203 consistent with Caesar's precepts²⁸¹; and digression from the matter at hand,
 which gives delight, after which there will have to be a suitable and elegant
 return to the subject; and proposing what you are going to say and distin-
 guishing it from what has been said; and return to the stated proposition;
 and repetition of a thought; and appropriate conclusion of an argument; then
 also, exaggeration and overstatement of the truth for the sake of amplifica-
 tion or diminution; and rhetorical question and, closely related to this, mock
 interrogation followed by exposition of one's own view; then also, the de-
 vice of irony, which most easily insinuates itself into people's minds, as it
 were, and which occurs when you say something different from what you
 are suggesting²⁸²; this is quite pleasant when carried on in a conversational
 rather than in a contentious tone. Next there is indecision, then also distri-
 bution, and then also self-correction, either before or after you have said
 204 something or when you are dissociating yourself from something. There is
 also preliminary fortification of the point you are going to take up; trans-
 ference of the blame to someone else; involvement of those present, which
 is like a deliberation and a consultation with the very people before whom
 you are speaking; imitation of character and way of life (whether or not by
 way of impersonation), which lends great distinction to a speech, and is par-
 ticularly well suited for winning over the audience's minds, and often also
 205 for stirring their emotions; introduction of imaginary characters, which is a
 particularly impressive figure of amplification; vivid description; introduc-
 tion of a misleading point; stirring up laughter; anticipating objections; then
 also the two extremely effective devices of simile and example; distribution
 of elements; interruption; antithesis; falling silent; recommendation; a frank
 and even rather unrestrained statement for the sake of amplification; ex-
 pression of anger; rebuke; promise; plea for mercy; entreaty; brief divergence
 from the subject, unlike the digression mentioned above²⁸³; exculpation; the
 winning of favor; verbal attack; wishes and imprecations. It is, for the most
 part, by these figures that thoughts can give brilliance to our speech.

206–207 *The figures of speech*

206 "As to the actual form of the speech, its employment resembles that of
 weapons: it can be put to practical use, for threatening and attacking, as it
 were, but it can also be employed just like that, for the sake of giving del-
 ight. For instance, the doubling of a word is at one time forceful, at another
 time charming; the same can be said for repeating a word in a slightly al-
 tered, modified form²⁸⁴; frequent repetition of the same word at the begin-

²⁸¹Viz., in his discussion of humor in Book 2 (2.217–290).

²⁸²See 2.269–271, with note 262.

²⁸³In 3.203.

²⁸⁴Cf. 2.256 for jokes based on this figure.

ning of clauses, and return to the same word at the end of successive clauses, and also when one word repeatedly clashes with a certain other²⁸⁵; adjunction²⁸⁶; use of progressively stronger expressions; use of the same word several times in different meanings; repetition of a word that was used earlier; and words that end in the same way or have the same case endings, or phrases that have the same length or resemble each other. There are also the figures of gradual development; inversion²⁸⁷; elegant transposition of words; antithesis; asyndeton; avoidance of a subject; self-criticism; exclamation; minimizing; using the same words in several cases; relating what is derived from several individual things mentioned to each of them individually²⁸⁸; appending a reason to a proposition; and also adding a reason to each separate statement; deferment; and again another kind of indecision²⁸⁹; an unexpected turn; enumeration of points; another kind of self-correction²⁹⁰; local distribution²⁹¹; running on; breaking off; imagery; answering one's own question; metonymy; the use of synonyms in successive clauses; effective order; reference²⁹²; digression²⁹³; and periphrasis.

207

208–209 Concluding remarks

"These are, for the most part, the ways—and there may still be many more like them—of giving brilliance to oratory through the thoughts and through the figures of speech."

208

"I can see, Crassus," said Cotta, "that you have poured them out without giving definitions or examples because you think we are familiar with them." "To tell you the truth," replied Crassus, "I didn't imagine that even what I said earlier was new to you, yet I complied with your unanimous wish. About this topic, I was prompted to be rather brief by the sun over

209

²⁸⁵An intentionally obscure and nontechnical description of the figure of *complexio*. In this figure, which combines the two previous ones, one word (sometimes, phrase) A repeatedly clashes with another word/phrase B, as in the following example (A = "who are they who," B = "the Carthaginians"): "Who are they who have often broken treaties? The Carthaginians. Who are they who have waged war with severest cruelty? The Carthaginians. Who are they who have marred the face of Italy? The Carthaginians. Who are they who now ask for pardon? The Carthaginians." (*Rhetoric for Herennius* 4.20, transl. Caplan).

²⁸⁶An obscure term (in Latin as in English); see Appendix B for possible interpretations.

²⁸⁷Most probably the figure called *commutatio* in *Rhetoric for Herennius* 4.39; e.g., "You must eat in order to live, not live in order to eat."

²⁸⁸This figure is obscure.

²⁸⁹See 3.203, where "indecision" was mentioned as a figure of thought.

²⁹⁰See again 3.203, where "self-correction" was mentioned as a figure of thought.

²⁹¹This figure is unclear.

²⁹²This figure is obscure.

²⁹³The relationship to the "digression" of 3.203 and the "brief divergence from the subject" of 3.205 is unclear.

there. It is already setting hurriedly,²⁹⁴ and has compelled me likewise to hurry through my exposition of this material. Still, descriptions of this kind and the theory too are known to everyone; but the most important thing is practice, and this is also the most difficult thing in this whole enterprise of oratory.

210–212 *Appropriateness*

- 210 "So, since all the sources for imparting every kind of distinction to a speech, if not really explored, have at least been pointed out, let us now consider what is suitable, that is, what is most appropriate in a speech.²⁹⁵ It is, of course, obvious that no single style is fitting for every case or every audience or every
- 211 person involved or every occasion. Cases²⁹⁶ in which someone's civic status is at issue²⁹⁷ require one specific tone, while private and insignificant cases require another. Deliberative speeches, laudatory speeches, lawsuits, conversations, consolations, rebukes, discussions, and the writing of history all demand different styles. It also makes a difference who our audience is—whether it is the Senate, the people, or a jury, whether it is large, small, or an individual, and what sort of people they are. The speakers themselves must also be considered: their age, their prestige, and how much authority they possess. As to the occasion, is it peace or war, is there some urgency or is
- 212 there room for a leisurely approach? So it seems that there is really no rule that I could give you at this point, except that when choosing a type of speech—a fuller or a more slender one, or indeed the middle type—, we should see to it that it is adapted to the problem at hand; and we may in each case employ approximately the same elements for imparting distinction, sometimes more energetically, at other times in a lower key. In every area, the capacity to do what is appropriate is a matter of art and natural ability, but to know what is appropriate at each time is a matter of intelligence.

213–227 DELIVERY

213–216a *Introduction*

- 213 "All of these things, however, are as effective as their delivery makes them. Delivery, I am telling you, is the one dominant factor in oratory. Without it, even the best orator cannot be of any account at all, while an average speaker equipped with this skill can often outdo the best orators. It is to delivery that they say Demosthenes, when asked what was most important in ora-

²⁹⁴The conversation had started "when it was already getting on in the afternoon" (3.17).

²⁹⁵In other words, the third quality of style, distinction, has now been treated (3.148–209), and Crassus goes on with the fourth and last, appropriateness.

²⁹⁶The four factors mentioned in the previous sentence are now taken up one by one in this section.

²⁹⁷For "civic status," see note 144 at 1.181.

tory, gave first, second, and third place. And I generally tend to think that what Aeschines said is even better. Having been disgracefully defeated in court, he had left Athens and taken refuge at Rhodes. There, he is said to have read, at the request of the Rhodians, the outstanding speech that he had given against Ctesiphon, when Demosthenes was pleading for the defense.²⁹⁸ After completing the reading, he was also asked to read, on the next day, the speech that Demosthenes had delivered on the other side, on behalf of Ctesiphon. This he did in a powerful and extremely pleasant voice, and when everyone expressed admiration, he said, 'How much more you would admire it, if you had heard Demosthenes himself!' By this comment, he sufficiently indicated the great importance of delivery, inasmuch as in his view, the same speech would actually be different if someone else were to deliver it. What was it about Gracchus,²⁹⁹ whom you, Catulus, remember better than I, that was talked about so much when I was young? 'Where can I take refuge in my misery? Where can I turn? To the Capitol? But that is overflowing with my brother's blood! To home? So that I can see my mother in misery, grief-stricken and downcast?' People generally agreed that, when delivering these words, he used his eyes, voice, and gestures to such effect that even his enemies could not contain their tears. I am talking about this in some detail because the orators, who act in real life, have abandoned this entire field, while the actors, who are only imitators of reality, have appropriated it. And no doubt, reality always has the advantage over imitation.³⁰⁰ Yet if reality by itself were sufficiently effective in delivery, we would have

²⁹⁸In 336 BC, Ctesiphon had proposed to the Athenian assembly that Demosthenes should receive a crown for his outstanding services to the city. Aeschines, as a way of attacking Demosthenes, prosecuted Ctesiphon on the grounds that this proposal was illegal. In this trial (which did not take place till 330) Demosthenes, pleading for the defense, delivered his masterpiece, *On the Crown*, mentioned immediately hereafter. Aeschines lost the trial, obtaining less than a fifth of the votes, which meant that he was fined and was limited in his right to prosecute; he chose to retire to Rhodes.

²⁹⁹I.e., Gaius Gracchus; he was killed in 121 BC, when Crassus was 19 years old, Catulus 28 or older. The occasion of the speech from which the following quotation (ORF, p. 196, fragment 61) is taken is unknown. It may have been held shortly after his brother Tiberius' murder on the Capitoline Hill in 133 BC, or during the difficult last period of his own life, which ended in his death in 121, or anywhere in between. His mother, whom he mentions, was the famous Cornelia.

³⁰⁰Crassus' irony ("... no doubt...") is directed against Antonius' statements in 2.189–196, that an orator can (and, in order to be effective, must) always feel the emotions that he wants to arouse in his audience. And in what follows, Crassus proceeds to qualify these statements (note especially "expressed or imitated"). This link with the passage in the second book is suggested not only by the theme, but also by Crassus' comparison of orators with actors (cf. 2.193–194), and by his explicit reference to that passage in 217 below. The reader is thus invited to link the two passages and to construct Cicero's own view as a synthesis of the two views: unpretended emotions are more effective, and therefore to be preferred to feigned ones, but it is often necessary to simulate (Cf. Wisse 1989: 198, 262–263).

no need for any art at all. But emotions, which must especially be expressed or imitated through delivery, are often so confused that they are obscured and almost smothered. So we must get rid of what obscures them and embrace their most prominent and most clearly visible features. For by nature,
 216 every emotion has its own facial expression, tone of voice, and gesture. The entire body of a human being, all the facial expressions and all the utterances of the voice, like the strings on a lyre, 'sound' exactly in the way they are struck by each emotion.

216b-219 *The voice*

"The voice is stretched taut like the strings of an instrument, to respond to each and every touch, to sound high, low, fast, slow, loud, and soft. And apart from each of these extremes, there is also, in each category, a middle between the extremes. Moreover, from these kinds of sounds are also derived others³⁰¹: smooth and rough, restrained and wide ranging, sustained and staccato, hoarse and cracked, and with crescendo and diminuendo and
 217 a changing of pitch. The employment of each of these kinds falls under the regulation of art. They are at our disposal to be varied at will in delivery, just as colors are in painting. Anger requires the use of one kind of voice, high and sharp, excited, breaking off repeatedly:

He, my very brother, urges me, o wretch that I am, to mangle
 My sons with my own jaws.³⁰²

Similarly in the lines that you quoted a while ago, Antonius:

Did you dare to let him be parted from you,
 and so forth,³⁰³ also in this passage:

Will really no one punish this? Bind him . . . ,³⁰⁴

and thus almost the entire *Atréus*. Lamentation and grief require another kind of voice, wavering in pitch, sonorous, halting, and tearful:

Where can I turn now? And what path must I choose to go?
 To the house of my father? Or perhaps to the daughters of Pelias?³⁰⁵

³⁰¹Some of the following translations are uncertain, especially "restrained and wide ranging" (for *contractum diffusum*) and "hoarse and cracked" (for *fractum scissum*).

³⁰²From Accius' tragedy *Atréus* (lines 196-197 ROL). Thyestes is speaking. For the myth behind the play, see Index at *Atréus*.

³⁰³See 2.193; from Pacuvius' tragedy *Teucer* (lines 345 ff. ROL).

³⁰⁴Again from Accius' *Atréus* (line 198 ROL).

³⁰⁵From Ennius' tragedy *Medea* (lines 284-285 ROL). Medea is speaking. For the myth behind the play, see Index at *Medea*.

Likewise in:

O my father, o my country, o palace of Priam! . . .

as well as in the passage that follows those lines:

All of these I have seen go up in flames, and
Violence tearing Priam's life away.³⁰⁶

Fear again has another kind of voice, subdued, hesitating, and downcast: 218

I'm beset by many troubles: sickness, banishment, and want.
Dread outheartens all my sense from me, I'm totally terrified.
Mother menaces my life with terrible torture and with death.
No one's spirit is so firm and no one's confidence so great that
This wouldn't make his blood flow back in fright and his face turn
pale with fear.³⁰⁷

Energy has yet another kind, intense, vehement, threatening, and with an earnest sort of excitement: 219

Again Thyestes arrives to mount an assault on Atreus,
Again he now attacks me and disturbs my peace.
A greater mass of evil misery I must
Concoct whereby to quench and crush his cruel heart.³⁰⁸

Happiness needs another tone, unrestrained and tender, cheerful and relaxed:

But when she brought herself the bridal wreath to tie the knot of
marriage,
She was bringing it to you; and when she feigned that she was giving
herself
The bridal torch, she carried it to you in fine and elegant jest.³⁰⁹

Distress needs yet another, earnest but without appeal to pity, muffled, and in one tone of voice:

At the season when Paris joined with Helen in wedless wedlock,
I was with child, the months till birth well-nigh complete;
And at that time Hecuba bore Polydorus, the last of her children.³¹⁰

³⁰⁶From Ennius' tragedy *Andromache* (line 101 ROL, also quoted in 3.102, and lines 106–107 ROL). Andromache is speaking.

³⁰⁷From Ennius' tragedy *Alcmaeon* (lines 25–29 ROL; partly quoted in 3.154). Alcmaeon is speaking; he has killed his mother and is haunted by the Furies (goddesses of retribution).

³⁰⁸Again from Accius' *Atreus* (lines 163–166 ROL). Atreus is speaking.

³⁰⁹The source of this quotation is unknown; perhaps a comedy (Ribbeck 1898: 137–138 classifies it under unknown Greek-style comedies, as lines 32–34).

³¹⁰Probably from Pacuvius' tragedy *Iliona* (lines 215–217 ROL). Iliona is speaking.

220 *Gesture*

- 220 "All of these emotions ought to be accompanied by gestures—not those used on the stage, which depict the individual words, but gestures that indicate the content and the ideas as a whole, not by imitating them, but by signifying them. For this, one needs the vigorous and manly attitude of the body derived not from stage actors, but from those who fight with weapons or in the palaestra.³¹¹ The hands should not be too expressive, accompanying rather than depicting the words with the fingers. The arm should extend forward a bit, as if our speech were employing it as a weapon. And you should stamp your foot at the beginning or at the end of energetic passages.

221–223a *The face and the eyes*

- 221 "But everything depends on the face; and this, in turn, is entirely dominated by the eyes. So the older generation was quite right to praise not even Roscius overmuch when he acted wearing a mask.³¹² For delivery is wholly a matter of the soul, and the face is an image of the soul, while the eyes reflect it. The face is the only part of the body that can produce as many varying signs as there are feelings in the soul; and there is surely no one who could produce these same effects with his eyes closed. Theophrastus actually says that a certain Tauriscus was fond of calling someone who fixed his eyes on some object while delivering his speech 'an actor with his back turned.'³¹³ Consequently, it is quite important to regulate the expression of the eyes. We should not alter the appearance of the face itself too much, so as to avoid distorting it or acting like a fool. It is the eyes that should be used to signify our feelings in a way suited to the actual type of our speech, by an intense or relaxed, or a fixed or cheerful look. Delivery is, so to speak, the language of the body, which makes it all the more essential that it should correspond to what we intend to say; and nature has actually given us eyes, as it has given the horse and the lion their manes, tails, and ears, for indicating our feelings. So the most effective element in our delivery, next to the voice, is the expression on our face; and this is controlled by our eyes.

³¹¹For the palaestra, see Glossary; "those who fight with weapons" probably refers to gladiators, as in 3.200.

³¹²The older generation had obviously seen the great actor Roscius acting with and without a mask. (Our passage is often neglected or misinterpreted to fit the now common view that throughout the history of Roman comedy and tragedy, actors always wore masks; see especially the influential account by Beare 1964: 192–194, 303–309.)

³¹³Nothing more is known about this Tauriscus.

223b–227 *The nature of delivery; preserving
and using the voice*

"Now all the elements of delivery possess a certain force that has been bestowed by nature.³¹⁴ That is why delivery strongly affects even the inexperienced, the common crowd, and also foreigners. After all, words only affect those who are joined to the speaker by the bond of a shared language, and clever thoughts often escape the understanding of people who are not so clever. But delivery, which displays the feelings of the soul, affects everyone, because everyone's soul is stirred by the same feelings, and it is through the same signs that people recognize them in others and reveal them in themselves.

"When we look at effectiveness and excellence in delivery, the voice undoubtedly plays the most important part. In the first place, a good voice is a desirable thing to have; but in the second place, whatever sort of voice we do have, it is something that ought to be protected. In this connection, the question of how to care for our voice is not really pertinent to the kind of instruction I am giving now (though I do believe that we should take good care of it). But the observation that I made a little while ago³¹⁵ seems not at all irrelevant to my task in this conversation, namely that in the majority of things, what is most useful is somehow also what is most appropriate. In order to preserve the voice nothing is more useful than frequent modulation, while nothing is more harmful than unrestrained, uninterrupted exertion. And indeed, what is more suitable for our ears and for a pleasing delivery than alternation, variety, and change? Actually Gracchus, whom I mentioned earlier,³¹⁶ acted accordingly—and, Catulus, you can hear this story from your client Licinius, an erudite man, who was Gracchus' slave and acted as his secretary. When he was addressing a public meeting, he always had someone standing inconspicuously behind him with a little ivory flute, a skillful man who would sound a quick note that would either rouse him when his voice had dropped, or call him back when he was speaking in a strained voice."

"I tell you, I have heard this story," said Catulus, "and I have often admired the man's diligence, as well as his learning and knowledge." "So have I," replied Crassus, "and I can only regret that these men made the mistake of taking the dangerous political course that they did. Though such a pattern is now being woven, such a way of living is being encouraged in our community and held up as an example to future generations, that we now

³¹⁴The notion of a natural, universally human language of the body was probably common (cf. Quintilian 11.3.87), and the considerable differences between cultures were obviously unknown or neglected. See Bremmer and Roodenburg, eds., 1991/1992, especially the articles by Bremmer and by Graf (with justified emphasis on the differences between Roman and modern ideas about gestures).

³¹⁵See 3.178–181.

³¹⁶Gaius Gracchus, mentioned in 3.214. As a politician, he was (and is) often coupled with his brother Tiberius, as Crassus proceeds to do in 3.226 below.

wish we had citizens like those whom our fathers found intolerable." "Please, please, Crassus," said Caesar, "stop talking about that and return to Gracchus' flute. I still don't clearly understand how that worked."

- 227 "There is," replied Crassus, "a middle range in every voice (though this is different in every individual case). Raising the voice gradually from this level is useful as well as pleasing, since shouting right from the start is a coarse thing to do, and this gradual approach is at the same time salutary, as it will strengthen the voice. Moreover, there is a certain limit to raising the voice (which is still below the level of shouting at the highest pitch). Beyond this the flute will not allow you to go, while it will also call you back when you are actually reaching this limit. Likewise, at the other end of the scale, when you are dropping your voice there is also a lowest sound, and this you reach step by step, descending from pitch to pitch. By this variation, and by thus running through all the pitches, the voice will both preserve itself and make the delivery pleasing. And while you will leave the man with his flute at home, you will bring with you to the forum a feeling for these things, derived from practice.

228–230 Coda

- 228 "I have put before you what I could, not in the way I would have wished, but as the constraints on our time have forced me—for it is always clever to lay the blame on time when you couldn't say more, even if you wanted to." "What you really have done, as far as I can judge," said Catulus, "is to assemble all of the available material so brilliantly, that it seems you have not taken all this from the Greeks, but could actually give them some lessons about it. Speaking for myself, I am glad to have been allowed to participate in your conversation. I wish that my son-in-law Hortensius, your close friend, had been present. I am quite confident that he is going to excel in all
- 229 of the great things that you have embraced in your discussion."³¹⁷ "Is going to, you say?" reacted Crassus. "Indeed, it is my personal judgment that he is already doing so; this was my judgment on the occasion that he defended the cause of Africa in the Senate, when I was consul, and even more so when recently he spoke on behalf of the king of Bithynia.³¹⁸ So your assessment is

³¹⁷Cicero here and in what follows imitates the end of Plato's *Phaedrus* (just as he refers to its beginning at the start of the conversation in 1.28). Plato there (278 E–279 A) makes Socrates predict a great future for Isocrates, who is young at the dramatic date of the dialogue, but was already old when Plato wrote it. (Cicero's comments at *Orator* 41–42 show that he knew this passage well, and—probably wrongly—took Plato's praise of Isocrates to be serious.) Likewise, at the dramatic date of our dialogue (91 BC) Hortensius was starting on his great career as an orator, but at the time of writing (55 BC) had already been surpassed by Cicero himself. The prediction of Hortensius' future greatness is thus at the same time a reference to Cicero's own status as the greatest Roman orator.

³¹⁸The former speech, obviously on behalf of the inhabitants of the Roman province of Africa, may have concerned extortion or other forms of misgovernment. The latter speech was obviously connected with the complicated affairs in the East, but nothing more is known about it (Bythinia was a kingdom in northwest Asia Minor).

correct, Catulus. In my opinion, this young man has no deficiencies either in natural ability or in learning. This makes it all the more necessary for you, Cotta, and for you, Sulpicius, to be vigilant and to work hard. This is no ordinary orator who is, so to speak, growing up to succeed your generation. He is endowed with a very sharp intellect, burning enthusiasm, exceptional learning, and unique powers of memory. I am indeed quite well disposed to him, and I want him to be the best of his own generation—yet it would hardly be honorable for you to be surpassed by someone who is so much younger. 230

“But now let us rise,” he said, “and refresh ourselves, and at last rest our minds after the intensity and seriousness of our discussion.”

APPENDIX A

Cicero's Extant Works

(ALL DATES ARE BC)

LETTERS

- Letters to his Friends (Ad familiares)* (16 books)
- Letters to Atticus (Ad Atticum)* (16 books)
- Letters to his Brother Quintus (Ad Quintum)* (27 letters)
- Letters to Brutus (Ad Brutum)* (26 letters)

PHILOSOPHICAL WORKS

- On the Republic (De republica)* (54–51)
- On the Laws (De legibus)* (incomplete; probably late fifties)
- Stoic Paradoxes (Paradoxa Stoicorum)* (46)
- Academica (Academica)* (parts of two editions survive; 45)
- On the Highest Good and the Highest Evil (De finibus bonorum et malorum)* (45)
- Tusculan Disputations (Tusculanae disputationes)* (45)
- On the Nature of the Gods (De natura deorum)* (45)
- On Old Age (De senectute)* (45 or 44)
- On Friendship (De amicitia)* (44)
- On Divination (De divinatione)* (44)
- On Fate (De fato)* (44)
- On Duties (De officiis)* (44)

WORKS ON RHETORIC AND ORATORY

- On Invention (De inventione)* (finished by or in 88)
- On the Ideal Orator (De oratore)* (55)
- Classifications of Oratory (Partitiones oratoriae)* (probably between 54 and 52)

Brutus (46)

The Best Kind of Orators (*De optimo genere oratorum*) (46)

Orator (46)

Topics (*Topica*) (44)

SPEECHES

More than 50 have come down to us, ranging from his very early *In defense of Quinctius* (from a civil case in 81 BC) and *In defense of Roscius from Ameria* (his first criminal case, 81 or 80) to the fourteen *Philippics* from 44–43 (see Introduction, p. 9).

Their titles and dates are as follows (some dates are open to dispute): *In defense of Quinctius* (*Pro Quinctio*) (81), *In defense of Roscius from Ameria* (*Pro Roscio Amerino*) (81 or 80), *In defense of Roscius the Actor* (*Pro Roscio comoedo*) (76 or 66), *In defense of Tullius* (*Pro Tullio*) (71 or 69), *Divinatio against Caecilius* (*Divinatio in Caecilium*) (70), *Against Verres, First Stage* (*In Verrem, Actio Prima*) (70), *Against Verres, Second Stage* (*In Verrem, Actio Secunda*), 5 speeches (70), *In defense of Caecina* (*Pro Caecina*) (69), *In defense of Fonteius* (*Pro Fonteio*) (69), *On Pompey's Command* (*De imperio Cn. Pompei*) (66), *In defense of Cluentius* (*Pro Cluentio*) (66), *On the Agrarian Law, against Rullus* (*De lege agraria contra Rullum*), 3 speeches (63), *In defense of Rabirius* (*Pro Rabirio perduellionis reo*) (63), *Against Catiline* (*In Catilinam*), 4 speeches (63), *In defense of Murena* (*Pro Murena*) (63), *In defense of Sulla* (*Pro Sulla*) (62), *In defense of Archias* (*Pro Archia*) (62), *In defense of Flaccus* (*Pro Flacco*) (59), *Speech of Thanks to the Senate* (*Post reditum in senatu*) (57), *Speech of Thanks to the Citizens* (*Post reditum ad quirites*) (57), *On his House* (*De domo sua*) (57), *On the Reply of the Soothsayers* (*De haruspicum responso*) (56), *In defense of Sestius* (*Pro Sestio*) (56), *Against Vatinius* (*In Vatinius*) (a vigorous cross-examination of a witness, 56), *In defense of Caelius* (*Pro Caelio*) (56), *On the Consular Provinces* (*De provinciis consularibus*) (56), *In defense of Balbus* (*Pro Balbo*) (56), *Against Piso* (*In Pisonem*) (55), *In defense of Plancius* (*Pro Plancio*) (54), *In defense of Scaurus* (*Pro Scauro*) (54), *In defense of Rabirius Postumus* (*Pro Rabirio Postumo*) (53 or 52), *In defense of Milo* (*Pro Milone*) (52), *In defense of Marcellus* (*Pro Marcello*) (46), *In defense of Ligarius* (*Pro Ligario*) (46), *In defense of King Deiotarus* (*Pro rege Deiotaro*) (45), *Philippics* (*Philippicae*) 14 speeches (44–43).

APPENDIX B

Figures of Thought and Figures of Speech

Our interpretation of the list of figures in 3.202–207 and our rationale for this appendix are given above (p. 287, note 279).

The figures listed by Crassus (Cicero) in this passage are here given in the order in which they occur in the text. In most cases we have provided our translation, then Cicero's Latin term or phrase as found in the text, followed in parentheses by equivalent term(s) in Latin and in Greek (but only the most usual ones). Parallels with figures found in the *Rhetoric for Herennius* (abbreviated RH) and Quintilian (Q.) are included; the use of "=" before these parallels indicates that the figure mentioned there is (or seems to be) identical to the one mentioned by Cicero; the use of "cf." that it resembles it, or that the passage is important for understanding our passage or the figure or the terminology. Parallels found in the very similar list of figures in Cicero's later *Orator* (135–139) are also mentioned where relevant, as well as a few parallel passages from Rutilius Lupus and Rufinianus.¹

Further material may be found especially in Caplan's notes on the listed passages in RH. We have consulted the commentaries on our passage by Piderit-Harnecker and Wilkins, Sandys' notes on the passage from *Orator*, and some other modern sources; often our analyses differ from those offered by these scholars, but we have not elaborated on such differences here. Also, references to Q. 9.2.2–4 have largely been omitted, since Quintilian's polemical comments there (on what he thinks is Cicero's too broad conception of figures in our passage and in *Orator* 135–139) do not illuminate the actual figures.

FIGURES OF THOUGHT (3.202–205)

3.202

"Dwelling on a single point": *commoratio* (*epimônê*), cf. RH 4.58, Q. 9.2.4.
"Lucid exposition": *illustris explanatio*, cf. (?) RH 4.51 *descriptio* (*diatypôsis*) (and "vivid description," below 3.205). **"Laying things . . . before people's**

¹Publius Rutilius Lupus (1st century AD) wrote an abbreviated Latin version of a work on figures by the 1st-century-BC Greek rhetorician Gorgias (who taught Cicero's son in Athens in 44 BC); edition: C. Halm, *Rhetores Latini minores* (Leipzig 1863) 3–21. Julius Rufinianus is the author of a brief treatise on figures (probably 4th century AD); edition: Halm (above), 38–47.

eyes": *sub aspectum subiectio* (*enargeia*, *hypotypôsis*) = RH 4.68 *demonstratio* = Q. 8.3.61 and 9.2.40 *evidentia* or *repraesentatio*. **"Rapid treatment"**: *percurσιο* (*epitrochasmos*), cf. Caplan's notes at RH 4.68. **"Insinuation"**: *significatio* (*emphasis*), also mentioned in the passage on humor, in 2.268; = RH 4.67 = Q. 8.3.83, 9.2.64 (cf. LPR ad 2.268). **"Brevity"**: *brevitas* (*brachylogia*) = RH 4.68 = Q. 8.3.82, cf. 9.3.50, 9.3.99. **"Disparagement"**: *extenuatio* (*meiôsis* (?)), cf. Q. 9.2.3. **"Mockery"**: *inlusio* (*diasyrmos*, (?) *chleuasmos*).

3.203

"Digression": *digressio* (*parekbasis*, *apoplanêsis*) = Q. 9.2.55–56; for the **"return to the subject"**, *reditus ad rem* (*aphodos*), cf. Q. 9.3.87. **"Proposing . . ."** and **"distinguishing . . ."**: *propositio* (*proekthesis*) and *seiunctio*; cf. for the former Q. 9.2.105, and for the combination RH 4.35 *transitio*. **"Return to the stated proposition"**: *reditus ad propositum* (*aphodos*), cf. Q. 9.3.87 (as above). **"Repetition of a thought"**: *iteratio* (*epanalêpsis*), cf. RH 4.54–56, Q. 9.2.63. **"Conclusion"**: *conclusio* (*sumperasma*) = RH 4.41. **"Exaggeration . . ."**: *veritatis supralatio atque traiectio* (*hyperbolê*) = RH 4.44 *superlatio*, Q. 8.6.67–76. **"Rhetorical question"**: *rogatio* (*erôtêma*, *erôtêsis*) = RH 4.22 *interrogatio*, Q. 9.2.6–11. **"Mock-interrogation . . ."**: *quasi percontatio expositioque sententiae suae* (*hypophora*) = RH 4.33–34 *subiectio*. **"Irony"**: *dissimulatio* (*eirôneia*), cf. 2.269 with note; = Q. 9.1.3, 7; 9.2.44–51 *ironia*. **"Indecision"**: *dubitatio* (*aporia*, *diaporêsis*), cf. RH 4.40, Q. 9.2.19–20, 9.3.88; below 3.207. **"Distribution"**: *distributio*, perhaps = RH 4.52 *divisio* (*prosapodosis*), Q. 9.3.93–96, though that is more specific (see 3.207 "adding a reason to each separate statement"); but the terminology also suggests correspondence with RH 4.47 *distributio* (*diairesis*, *merismos*; cf. also RH 1.17; Q. 9.2.105). **"Self-correction, either before or after you have said something"**: *correctio* (*prodiorthôsis* and *epanorthôsis* respectively) = RH 4.36, Q. 9.3.89 (cf. 9.2.18, 60); cf. also 3.207 below, "another kind of self-correction." The variant in which **"you are dissociating yourself from something"** is not common; presumably, it would include examples such as, "Yes, I have committed this crime—but why am I calling it a crime, when in doing this, I saved our country from ruin?"

3.204

"Preliminary fortification": *praemunitio* (*proparaskeuê*) = Q. 9.2.17, cf. ib. 16. **"Transference of the blame to someone else"**: *traiectio in alium*; this obviously corresponds to one or two of the categories of status theory, viz. to subcategories of the *status qualitatis* (cf. Introduction, p. 33; RH 1.24–25): either "shifting the guilt" (*translatio/relatio criminis*, *antenklêma*) or "shifting the responsibility" (*remotio criminis*, *metastasis*), or both. For inclusion of such categories in a list of figures, cf. *Orator* 137. **"Involvement of those present"**: *communicatio* (*anakoinôsis*), cf. Q. 9.2.20–25. **"Imitation of . . ."**: *imitatio* (*êthopoiia*, *mimêsis*) = RH 4.63–65 *notatio*, Q. 9.2.58. This is here obviously supposed to cover both real imitations (i.e., impersonations) and vivid descriptions of people's characteristic traits (without impersonation).

3.205

"Introduction of imaginary characters": *personarum ficta inductio*, corresponding to one variety of *prosôpopoia* (RH 4.66 *conformatio*, Q. 9.2.29–37). **"Vivid description":** *descriptio*, perhaps = RH 4.51 *descriptio*, "a clear, lucid, and impressive exposition of the consequences of an act" (*diatypôsis*), Q. 9.2.41; but cf. perhaps also Q. 9.2.44, 9.4.138. **"Introduction of a misleading point":** *erroris inductio*, probably = Q. 9.2.39 (a version of) *aversio*; Orator 138 "diverting the attention from the point at issue." **"Stirring up laughter":** *ad hilaritatem impulsio* (*charientismos*); not often counted as a figure (but see Orator 138). **"Anticipating objections":** *anteoccupatio* (*prolêpsis*, *prokatalêpsis*) = Q. 4.1.49 (and Orator 138). **"Simile and example":** *similitudo* (*parabolê*) and *exemplum* (*paradeigma*), often coupled: = RH 4.59–61 and 62 (and the first = Q. 8.3.72–81). **"Distribution of elements":** *digestio*, most probably = RH 4.47 *distributio* (*diairesis*, *merismos*); but *digestio* is a rare term, and may have also suggested correspondence with *divisio* of RH 4.52 (*prosopodosis*) (Q. 9.3.93–96); cf. 3.203 "distribution" (*distributio*), with note. **"Interruption":** *interpellatio*; not usual as a figure (though cf. RH 1.10). **"Antithesis":** *contentio* (*antithesis*) = RH 4.58, Q. 9.2.100–101 (cf. RH 4.21, Q. 9.3.81). **"Falling silent":** *reticentia*, either = *praeteritio*, RH 4.37 *occultatio* (*paraleipsis*, *parasiôpêsis*; cf. Q. 9.3.98–99), or = *aposiôpêsis* (sometimes called *interruptio* in Latin), RH 4.41 *praecisio*, Q. 9.2.54–55 (cf. 8.3.85, 9.3.60–61), or both. **"Recommendation":** *commendatio*, not usual as a figure. **"A frank and even rather unrestrained statement":** *vox . . . libera atque etiam effrenatior* (*parrhêsia*) = RH 4.48–50 *licentia*, cf. Q. 9.2.27–29. **"Expression of anger":** *iracundia*; not very usual as a figure; cf. Q. 9.2.26; cf. also Rufinianus 11 (p. 41, 28 Halm) *indignatio* (*aganaktêsis*). **"Rebuke":** *obiurgatio*, not very usual as a figure. **"Promise":** *promissio*, unusual as a figure. **"Plea for mercy":** *deprecatio*; not found elsewhere as a figure (except in the parallel passage Orator 138); perhaps identical to *deprecatio* (*paraitêsis*) "plea for mercy" as a subcategory of the *status qualitatis* (cf. Introduction, p. 33; RH 1.24), as in 3.204 above ("transference of the blame to someone else"). **"Entreaty":** *obsecratio*; not found elsewhere as a figure (except in the parallel passage Orator 138, *supplicet*). **"Brief divergence from the subject":** *declinatio brevis a proposito*; cf. on 3.203 "digression" (and Q. 4.3.14–15). **"Exculpation":** *purgatio*; perhaps again (as the "plea for mercy") a subcategory of the *status qualitatis* (cf. Introduction, p. 33; RH 1.24), viz. *purgatio* (*katharsis*). **"The winning of favor":** *conciliatio*; not found elsewhere as a figure (except in Orator 138). **"Verbal attack":** *laesio*, not found elsewhere as a figure. **"Wishes":** *optatio* (cf. *euchê*: Rufinianus 28 [p. 45, 20 Halm]). **"Imprecations":** *execratio* (*ara*: Rufinianus 15 [p. 42, 32 Halm]).

FIGURES OF SPEECH (3.206–207)

3.206

"Doubling": *geminatio* (*anadiplôsis*) = RH 4.38 *conduplicatio*, Q. 9.3.28. **"Repeating a word in a slightly altered, modified form":** *paululum immutatum*

verbum atque deflexum (*paranomasia*) = RH 4.29 *adnominatio*, Q. 9.3.66–67; cf. 2.256 about jokes based on this figure (with LPR). **“Frequent repetition of the same word at the beginning of clauses, and return to the same word at the end of successive clauses”**: an untechnical description (though with employment of the terms themselves) of *repetitio* ((*ep*)*anaphora* = RH 4.19, Q. 9.3.30) and *conversio* (*antistrophê* = RH 4.19, Q. 9.3.30). **“When one word repeatedly clashes . . .”**: an intentionally obscure and untechnical description of the figure of *complexio* (*sumplokê*) = RH 4.20, Q. 9.3.31 (see p. 289, note 285). **“Adjunction”**: *adiunctio*. The Latin term is as unclear as the English. One possible interpretation, suggested by the possible correspondence with the parallel passage in *Orator* 135, is that this indicates an addition of the same word to the next clause (e.g., Cic. *In defense of Milo* 91: “Rouse him—rouse him from the dead, if you can”); but identification with what is called *adiunctio* in RH 4.38 (*epezeugmenon* = Q. 9.3.62) may also have suggested itself. **“Use of progressively stronger expressions”**: a probable interpretation of the Latin *progressio*, identifying it with what Q. 8.4.3–5 calls *incrementum*. **“Use of the same word several times in different meanings”**: a description of the figure of *antanaklasis* or *diaphora* or *traductio* (Q. 9.3.68–71; it is a sub-variety of *traductio* in RH 4.21). **“Repetition of a word that was used earlier”**: *revocatio verbi*, a rather vague phrase, obviously covering only single repetition, and thus different from the “frequent repetition” mentioned above. **“Words that end in the same way”**: *quae similiter desinunt* (*homoioteleuton*) = RH 4.28, Q. 9.3.77; though it is not explicitly stated, this does not include identity of case endings, which is covered by the next figure. **“(Words that) have the same case endings”**: *quae cadunt similiter* (*homoiotôton*) = RH 4.28, Q. 9.3.78–79. **“Phrases that have the same length”**: *quae paribus paria referuntur* (*isokôlon*) = RH 4.27–28, Q. 9.3.80. **“(Phrases that) resemble each other”**: *quae sunt inter se similia*; rather vague, but the corresponding Greek term, *parison*, was also used in different senses (Wilkins, cf. Caplan: 298 n.): it usually indicated similarity in sound between words (or phrases) (Q. 9.3.75–76), sometimes similarity (as opposed to equality) in length.

3.207

“Gradual development”: *gradatio* (*klimax*) = RH 4.34–35, Q. 9.3.54–57. This is different from “climax” in the modern, English sense, in that it covers only cases where the speaker repeats each step before going on to the next, as in: “The industry of Scipio brought him excellence, his excellence glory, his glory rivals” (RH 4.34, transl. after Caplan). **“Inversion”**: *conversio*, most probably the figure called *commutatio* in RH 4.39 and *antimetabolê* in Q. 9.3.85 (see p. 289, note 287). **“Transposition of words”**: *verborum transgressio* (*hyperbaton*) = RH 4.44, Q. 8.6.62–67. **“Antithesis”** (here as a figure of speech; cf. above 3.205, where it is mentioned as a figure of thought); this is the most probable interpretation of the Latin term *contrarium*; = RH 4.21 *contentio*, Q. 9.3.81. **“Asyndeton”**: *dissolutum* (*asyndeton*) = RH 4.41, Q. 9.3.50–54 *dissolutio*. **“Avoidance of a subject”**: the most probable meaning of *declinatio* (suggested by the parallel passage *Orator* 135); this figure of speech strongly resembles

the figure of thought "falling silent" (*reticentia*) mentioned in 3.205, and as that figure, can be either = *praeteritio* or = *aposiopêsis* or both. However, the term *declinatio* is not found elsewhere for either of these, and the grammatical meaning of *declinatio*, "inflexion of words," may well have suggested itself to Cicero's readers here, even though that is (partly) covered below by "using the same words in several cases" (*polyptôton*). **"Self-criticism"**: *reprehensio*; probably related to the figure of "self-correction" mentioned below (and to that mentioned in 3.203 above). **"Exclamation"**: *exclamatio* (*ekphônêsis*) = RH 4.22, Q. 9.2.26–27 (cf. 9.3.97). **"Minimizing"**: *imminutio*, probably virtually identical to the figure of thought "disparagement" (*extenuatio*) of 3.202 above. There is, however, a slight possibility that the shortening of words discussed in *Orator* 155–157 is meant, e.g., the common use of the form *iudicasse* instead of *iudicavisse* (cf. 157 *imminutum*). **"Using the same words in several cases"**: a description of the figure of *polyptôton*; = RH 4.30–31 (as a subspecies of *paranomasia*), Q. 9.3.36–37. **"Relating what is derived . . ."**: obscure. It has been taken as "reciprocal relation of expressions to each other" ("not A but B; and indeed, it is not a but b"—the pattern in Cicero's *In defense of Milo* 10), and as equivalent to RH 3.37 *disiunctum* (*diezeugmenon*), for which see below, "the use of synonyms in successive clauses." **"Appending a reason to a proposition"** (*aitiologia*), criticized by Q. 9.3.93 as not properly a figure; cf. *De or.* 2.177. **"Adding a reason to each separate statement"** (*prosapodosis*) = RH 4.52 *divisio*, Q. 9.3.93–96 (cf. 3.203 "distribution" and 205 "distribution of elements"). **"Deferment"**: *permissio*, almost certainly = RH 4.39 *permissio* (*epitropê*), Q. 9.2.25. **"Indecision"**: *dubitatio* (*aporia*, *diaporêsis*), cf. RH 4.40, Q. 9.2.19–20. This was already mentioned as a figure of thought in 3.203; as Q. says (9.3.88), one can hesitate over a thing or over the use of a word. **"Unexpected turn"**: *improvisum* = Q. 9.2.22–23 (cf. 9.3.90); cf. the category of jokes discussed in 2.284–285. **"Enumeration of points"**: *dinumeratio*, not usual as a figure; possibly to be connected with the enumeration of points to be discussed in a speech (*enumeratio*), traditionally placed in the "division" before the proofs (cf. note at 2.80; RH 1.17); and with the enumeration of the points made (also called *enumeratio*), traditionally placed in the conclusion (RH 2.47); cf. Q. 9.3.91. **"Self-correction"**: *correctio*; probably virtually the same as the figure of thought "self-correction" of 3.203 above: as Q. says (9.3.(88–)89), one can correct either a thought or a word one has used. The figure of "self-criticism" (*reprehensio*) mentioned above (207) is probably related to this, involving only the criticism of a term one has used (cf. Q. 9.2.18), while "self-correction" also involves mentioning another term instead. **"Local distribution"**: a tentative rendering of *dissipatio*, the meaning of which is unclear (Q. 9.3.39 also had to guess). **"Running on"**: *continuatum*; this meaning, suggested by the following item, could of course cover many phenomena; cf. perhaps Q. 9.3.37–38 (*metabolê*), or RH 4.52 (*frequentatio* or *sunathroismos*). **"Breaking off"**: *interruptum* (see the previous item), perhaps = *aposiopêsis* (also called *interruptio*), on which see 3.205 "falling silent" (*reticentia*; Q. 9.2.54–55 identifies *aposiopêsis* with Cicero's *reticentia*). **"Imagery"**: *imago* (*eikôn*) = RH 4.62. This would probably cover metaphor and allegory, discussed above

3.155–167, which are strictly speaking tropes. But the distinction between tropes and figures was frequently not made (see below, “metonymy”). “**Answering one’s own question**”: *sibi ipsi responsio* (*apophasis*) = Q. 9.2.14–15; cf. RH 4.23–24 *rationcinatio*. “**Metonymy**”: *immutatio* (*metonymia*), discussed above 3.167–168. Metonymy properly belongs to the tropes, but it appears as a figure in RH 4.43 *denominatio* (see above on “imagery”). The identification of *immutatio* with “metonymy” here is not certain (cf. Q. 9.3.92), but the proximity of “imagery” makes it probable. “**The use of synonyms in successive clauses**” (*diezeugmenon* or *synonymia*): the most probable meaning of *diiunctio* = RH 4.37–38 *disiunctum*, Q. 9.3.45. “**Effective order**”: *ordo*, rather vague. Perhaps (cf. Q. 9.4.23–32) to be identified with the structuring of prose into clauses, already discussed above (cf. esp. 3.186); overlap of figures with other categories is not uncommon; but cf. *taxis* in Rutilius Lupus 2.20 (p. 21, 19 Halm); and cf. Q. 9.3.91. “**Reference**”: *relatio*; obscure. “**Digression**”: *digressio* (see at 3.203); the relationship to the “digression” of 3.203 and the “brief divergence from the subject” of 3.205 is unclear. “**Periphrasis**”: the most likely interpretation of *circumscriptio*; = RH 4.43 *circumitio*, Q. 8.6.59–61. The meaning might also be “period” (cf. *Partitiones Oratoriae* 19, *Orator* 204, Q. 9.4.124); as noted above at “effective order,” overlap of figures with other categories is not uncommon.

APPENDIX C

List of Readings

The following list records the cases in which we have based our translation on a Latin text that differs either from Kumaniecki's Teubner edition (Kum.), or from the preference of Leeman-Pinkster (LP, etc.), or from both, at least where such textual differences make a difference to the interpretation and/or translation. This implies our hope that the list includes a complete survey of all significant cases where Kum. and LP differ. (From 3.96 onward, LP is not yet available, and we record our differences with Kum. only.)

The manuscripts of *De oratore* that matter¹ can be divided into two classes. The first class is that of the *mutili* (M). They lack significant portions of the text,² and this was the form in which the work was known through most of the Middle Ages. In this class, the manuscripts known as A and H are most important; Kum. (like many of his predecessors) also reports the readings of E, but Renting 1996 has shown that E is a descendant of A; therefore, E is important only in some of the portions of the text where A is missing (see note 2). K, a collection of excerpts, also belongs to the M class.

In 1421 a codex containing, among other things, a complete text of *De oratore* was found in the cathedral of Lodi, in northern Italy, and this spectacular find is the origin of the second class of manuscripts. Many humanists were eager to obtain a copy of this new manuscript, called the *Laudensis* (L) after the place where it was found. Since L itself has not survived, we must reconstruct its text by means of these copies. The most important among them are V (probably a direct copy), and O and P (indirect copies derived from the same direct copy). Some humanists rechecked L itself, noting the readings of L in their own copy, usually with a v-sign (for *vetus codex*); such readings are found, e.g., in O, and are indicated by O^v.

Other manuscripts mentioned in the list below include the so-called Lagomarsiniani (Lag. plus number); for these and a few other abbreviated

¹Kum.'s preface offers an account of the manuscripts (pp. v–xx), which is, however, partly outdated, and not always accurate. The survey in *Texts and Transmission* (ed. L. D. Reynolds, Oxford: Clarendon, 1983), pp. 102–109, is better, though less detailed. See also Renting 1996.

²Viz., 1.128–157, 1.193–2.13, 2.90–92, 3.17–110. More is lacking in A (see below), partly on account of physical damage; but before this damage was incurred, a copy was made, which, in turn, served as exemplar of E; later, E was also damaged, but it still preserves two portions derived from A where A is now deficient, viz., 1.1–123 and 2.50–60.

references to manuscripts, see Kum.'s preface. Details of earlier editions and of scholars who proposed emendations will also be found there (or in LP). Further abbreviations and symbols are conventional, apart from: LP, LPN, LPR, LPW (see Abbreviations, p. 56); a.c. = apparatus criticus; *, which refers to a footnote at our translation; (?), which indicates doubt in the acceptance of a reading; (e.g.), which indicates that other (usually, similar) solutions are equally possible.

Further conventions: in a number of cases, LP argue that two or more readings are possible, indicating this by a square before their lemma; accordingly, our 2nd column sometimes mentions more than one reading. Where we add sic, LP require a slight correction (usually, the addition of a square or, where they prefer to change Kum., of an asterisk). For unascribed conjectures in the 1st column, Kumaniecki himself is responsible, likewise in the 2nd (LP) and the 3rd (May/Wisse).

	Kum.	LP	May/Wisse
1.6	<i>nam</i> M	<i>nam</i> M/ac L	Kum.
1.9	<i>laudandarum artium omnium</i> L	<i>laudandarum artium omnium</i> L/ <i>omnium laudatarum artium</i> M	Kum.
1.9	<i>possent</i> M	<i>essent</i> L	LP
1.10	<i>quam</i> L	<i>et quam</i> M	LP
1.11	<i>quiqui</i> Stroux	<i>qui</i> M	LP
1.11	<i>poetarum</i> ML	Kum.	<i>poetarum</i> (et oratorum) Stangl
1.14	<i>dicendi</i> ML	<i>discendi</i> anon. ap. Lamb.	LP
1.19	<i>ex illis rebus</i> L	<i>ex illis rebus</i> L/ <i>ex iis rebus</i> M	Kum.
1.23	<i>versata. non . . . possint, dabis</i>	<i>versata, non . . . possint. dabis</i>	LP
1.26	<i>divinitus</i> ML	Kum.	<ita> <i>divinitus</i> Earle
1.28	<i>et in . . . esset</i> M	<i>in . . . esse</i> L	LP (?)
1.28	<i>et quod</i> M	<i>sed quod</i> L [sic]	LP
1.30	<i>hominum</i> MV	<i>hominum</i> MV/ <i>hominum coetus</i> OP	Kum.
1.36	<i>aut vero</i> L	<i>aut vero</i> L/ <i>atque vero</i> H/ <i>at vero</i> E	Kum.
1.42	<i>in</i> (iure) sua Friedrich	<i>iure suo</i> Ellendt	LP
1.45	<i>diligentius</i> M	<i>diligenter</i> L	LP
1.48	<i>et ea quae</i> M	<i>ea quae</i> L	LP

1.50	<i>in hac dicendi arte aliena facultatem</i> M	M/hanc dicendi ex arte aliena facultatem (after L)	Kum.
1.52	<i>in iis</i> M	<i>in iis</i> M/ <i>in illis</i> L	<i>in illis</i> (cf. LP)
1.54	<i>videtur</i> M	<i>putatur</i> L [sic]	LP
1.55	<i>quae de his</i> L	<i>quae de his</i> L/ <i>qui de iis</i> M	Kum.
1.58	<i>tuendis</i> M	<i>instituendis</i> L	LP
1.58	<i>discripto</i> Piderit	Kum.	<i>descripto</i> ML
1.58	<i>vel Graeci si volunt ... vel nostri</i> Man.	Kum./ <i>vel—ut Graeci volunt— ... vel nostros</i> M	Kum.
1.58	<i>et Solonem</i> M	<i>et Solonem</i> M/ <i>aut Solonem</i> L	Kum. (?)
1.59	<i>atque sumendum</i> M	<i>et adsumendum</i> L	LP
1.61	<i>dubitabo</i> M	<i>dubitabo</i> M/ <i>dubito</i> L	Kum.
1.69	<i>stellisque</i> M	<i>stellisque</i> M/ <i>stellisve</i> L	Kum.
1.71	<i>namque illud quod ante</i> Stroux	<i>namque illud quare</i> ML	<i>nam quod illud</i> Madvig
1.77	<i>tribuamus</i> M	<i>tribuamus</i> M/ <i>tribuas</i> L	Kum.
1.81	<i>et</i> M	<i>sed</i> L	LP
1.81	<i>olei</i> M	<i>olei</i> M/ <i>otii</i> L	Kum.
1.86	<i>conformandis</i> M	<i>conformandis</i> M/ <i>confirmandis</i> L	Kum. (?)
1.87	<i>quibus</i> M	<i>quibus</i> M/ <i>quibus rebus</i> L	<i>quibus rebus</i> L (?)
1.89	<i>negare</i> L	<i>negare</i> L/ <i>negasse</i> M	Kum.
1.93	<i>persuadere</i> L	<i>persuadere</i> L/ <i>persuaderi</i> M	Kum. (?)
1.95	<i>dederit</i> M	<i>maiore opere dederit</i> L	LP
1.95	<i>paulum huic aliquid</i> Subl.	<i>paulum aliquid huc</i>	LP
1.99	<i>me quidem</i> LM	<i>me quidem fateor</i> RV ²	Kum.
1.101		different assignment to speakers	different from Kum. and LP*
1.101	<i>dum mihi</i> LM	Kum.	<i>dum</i> (etiam) <i>mihi</i> (?)
1.108	<i>exposuit</i> L	<i>exposuit</i> L/ <i>posuit</i> Lag. 20	Kum.
1.110	<i>his</i> L	<i>his</i> L/ <i>iis</i> M	Kum.
1.112	<i>magistratum</i> M	<i>magistratus</i> L	LP
1.128	<i>prope</i> (iam)	<i>prope</i> L/ <i>prope</i> (iam)	<i>prope</i> L/ <i>propemodum</i> Cima
1.128	<i>possunt</i> L	<i>potest</i> O	LP

1.132	<i>decere</i> L	<i>decere quod facias</i> Winterfeld	LP
1.138	<i>ac temporum</i> Friedrich	<i>aut temporum</i> L	LP
1.146	<i>digessisse</i> Gesner	<i>collegisse</i> Nizolius	LP
1.147	<i>inliberale, etiam</i> O.M. Müller	<i>inliberale. et</i> Lotter	LP
1.158	<i>et legendi</i> L	<i>eligendi</i> H	LP
1.161	<i>posse</i> (typo)	<i>nosse</i>	LP
1.161	<i>atque</i> ⟨ <i>iam</i> ⟩	<i>atque</i> recc.	LP
1.164	<i>quoque te iam</i> Kiessling	<i>quoque etiam</i> HL	LP
1.167	<i>prudencia</i> L	<i>scientia</i> H	LPN
1.171	<i>quid vero ille</i> <i>M. Cato?</i>	<i>quid vero? ille M. Cato . . .</i>	LPN
1.177	<i>qui</i> HL	<i>cum</i> Ellendt	LPN
1.179	<i>simili</i> L	<i>simili in re</i> M	LPN
1.180	<i>qui in tutelam</i> L	<i>qui in</i> ⟨ <i>suam</i> ⟩ <i>tutelam</i> recc.	LPN
1.186	<i>est editum</i> HL	Kum.	⟨ <i>ius</i> ⟩ <i>est editum</i> (e.g.)
1.187	<i>ignota quondam</i> <i>omnibus</i> L	Kum.	<i>incondita quondam</i> (after Schuetz)
1.197	<i>omnibus</i> L	<i>hominibus</i> recc.	Kum.
1.202	⟨ <i>dator</i> ⟩ <i>tamen</i>	⟨ <i>auctor</i> ⟩ <i>tamen</i> Tittler	LPN
1.202	<i>et id ipsum</i>	<i>id ipsum</i>	LPN
1.206	<i>quid? si</i>	<i>quid, si</i>	LP (cf. also Wilkins)
1.206	<i>tu ea</i> (typo)	<i>ut ea</i>	LP
1.209	<i>non idem esse</i> L	Kum.	<i>non idem</i> [<i>esse</i>] edd. pl. (cf. P.-H., Wilk.)
1.215	<i>aliquam</i> L	<i>illam</i> Man./ <i>eam ipsam</i> Klotz (e.g.)	<i>illam</i> Man.
1.216	[<i>et</i>] <i>si</i> [<i>sit</i>] Lamb.	<i>et si</i> V/ <i>etsi</i>	<i>etsi</i>
1.219	[<i>quo</i>] Bake	<i>quoque</i> RV ² [sic?]	Kum.
1.224	<i>at</i> (typo)	<i>ad</i>	LP
1.227	<i>commode</i> ⟨ <i>modo</i> ⟩ Stroux	<i>commode</i> OP	Kum.

1.229	<i>liberius</i> L	<i>liberius</i> L/ <i>uberius</i> Man.	Kum.
1.229	<i>ratio</i> recc.	<i>oratio</i> L	Kum.
1.232	<i>ex</i> <lege>	<i>et</i> recc.	LP
1.232	<i>quasi aestimationem</i> L	<i>quasi aestimatione</i>	LP
1.245	<i>coegisses</i> recc.	<i>coegisses</i> recc./ <i>coegisset</i> L	Kum. (cf. Wilkins)
1.249	<i>non licet</i> L	[non] <i>licet</i> Gesner/ <i>nunc licet</i> Schuetz	<i>nunc licet</i> (?)
1.251	<i>et tragoedorum</i> L	<i>tragoedorum</i> recc. [sic]	LP
1.251	† <i>munionem</i> †	<i>Nomionem</i> (?)	LP*
1.256	<i>antiquitatis iter</i> L	Kum. (?)	<i>antiquitatis</i> <i>memoriam</i> (e.g.)
1.258	<i>tamen</i> (typo)	<i>tam</i>	LP
1.258	<i>essent</i> < . . . >	<i>essent</i> / < <i>quam ea quae prava</i> > <i>essent</i> (e.g.)	< <i>quam ea quae</i> <i>prava</i> > <i>essent</i> LP (?)
2.1	< <i>nequaquam</i> > Stroux	< <i>non</i> > recc.	LP
2.3	<i>in his artibus</i> L	Kum.	<i>in iis artibus</i> Henrichsen
2.4	<i>hoc populo</i> L	<i>huic populo</i> R	LP
2.5	<i>scriptionis</i> L	Kum. (?)	Kum.
2.10	[<i>quoniam</i>] Henrichsen	<i>quoniam</i> L/[<i>quoniam</i>] Henrichsen/ <i>quamquam</i> Ernesti/ <i>quodam</i> Sydow	<i>quoniam</i> L
2.10	<i>soles . . . soles</i> L	<i>soles . . . soleo</i> Kayser (in a.c.)	LP
2.22	<i>Laurentum</i> M	<i>Lavernium</i> L	LP
2.33	<i>exquirere</i> M	Kum.	<i>exponere</i> L
2.34	<i>moderata oratione</i> M	<i>moderata oratione</i> M/ <i>moderatae orationis</i> <i>pronuntiatione</i> L	Kum. (?)
2.38	<i>scripserit aut</i> <i>dixerit</i> M	<i>dixerit aut scripserit</i> L	LP (?)
2.40	" <i>operis</i> "	(?)	<i>operis</i> , <et>
2.45	<i>ad omnia</i> <i>ornamenta</i> M	<i>omnia ornate</i> L	LP
2.46	<i>rebus iis</i> M	<i>rebus iis</i> M/ <i>iis</i> L	<i>iis</i> (?)
2.47	<i>est in rationem</i> M	<i>inest in ratione</i> L	LP
2.59	<i>iam mirari</i> OP	<i>iam admirari</i> M	LP

2.60	<i>quid ergo? est, . . .</i>	<i>quid ergo est? . . .</i>	LP
2.64	<i>praecepta, consolationes</i> Friedrich	<i>consolationes, praecepta</i> L	LP
2.76	<i>Hannibalem</i> ML	⟨ille⟩ <i>H. Pearce/H. ⟨ille⟩</i> Cima	LP
2.84	<i>doctiores</i> Lamb.	<i>doctores</i> ML	Kum.
2.84	[<i>non difficilius arte coniuncta</i>] Ellendt	keep/delete	<i>non [d.] arte coniuncta</i>
2.85	<i>ut se contineat aut</i> ML	—	<i>ut se contineat et (?)</i>
2.90	<i>atque ita . . .</i> <i>persequatur</i> ML	Kum.	[<i>atque ita . . . persequatur</i>] (edd. pl.)
2.94	<i>ist(e orat)orum omnium, cuius</i>	<i>istorum omnium qui eius</i>	LP
2.96	<i>quod si haec</i> M	<i>quod si</i> L	LP
2.100	<i>escendere; escendit</i> M	<i>ascendere; escendit</i> VO ^v	LP
2.100	[<i>haec . . . formula fere</i>] Bake	<i>haec . . . fere formula</i> HL	LP
2.100	<i>pacta, conventa</i>	<i>pacta conventa</i> [sic]	LP
2.107	<i>Apuleia</i> L	<i>Appuleia</i> recc. [sic]	LP
2.110	<i>illud ipsum quod</i> M	Kum.	<i>illud ipsum cum</i> L
2.113	<i>id quidem</i> recc.	<i>illud</i> L	LP
2.116	<i>pacta, conventa</i>	<i>pacta conventa</i> [sic]	LP
2.117	<i>copias</i> H	<i>copiam</i> L	LP
2.119	<i>autem</i> M	<i>autem</i> M/ <i>autem vel</i> L	<i>autem vel</i> (?)
2.121	<i>primum</i> M	<i>primus</i> L	LP
2.124	<i>procrearis et eduxeris</i> M	<i>procrearis et eduxeris</i> M/ <i>procrearit et eduxerit</i> L	Kum.
2.125	<i>Cn. Manli (a.c.)/Cn. Malli (text)</i>	<i>Cn. Malli</i>	LP
2.128	<i>r[ation]es</i> Friedrich	<i>rationes</i> ML/ <i>partes</i>	<i>rationes</i> ML
2.131	<i>praecucurrit</i> M	<i>praecurrit</i> L	LP
2.134	<i>dubitatione</i> M	<i>disputatione</i> L	Kum.
2.135	[P.] <i>Decius</i>	<i>P. Decius</i> L	LP
2.135	<i>et ad genus et ad</i> L	<i>ad genus et</i> M	LP
2.136	<i>non (. . .) aut</i> ML	<i>aut (. . .), non</i> P.-H.	<i>et (. . .) non</i> Pearce

2.142	[a] iure	[a] iure/in iure Schuetz (in adn.)	Kum.
2.143	apte M	apte M/acute L	accurate (?)
2.144	neque enim M	neque enim ipse L	LP
2.144	istam tuam H ²	istam L	LP
2.145	leniter OP	leviter MV	LP
2.145	discriptam Piderit	descriptam ML	LP
2.149– 150	ut<que> (Bake) iis rebus adhibeat . . . memoriam, ut vocem, ut viris <intendat>. (150) inter ingenium quidem . . .	ut iis rebus adhibeat . . . memoriam, ut vocem, ut viris. (150) haec magna sunt. inter ingenium quidem . . . L	<etiam> ut iis rebus adhibeat . . . memoriam, ut vocem, ut viris <diligentia est>. (150) inter ingenium quidem . . .
2.152	putaramus A	putaram HL	LP
2.160	dimittimus M	dimittamus L	LP
2.165	si ex M	sin ex L	LP
2.169	sempiternum tempus M	in sempiternum tempus L	LP
2.170	tu <natura> Sydow	Kum.	tu L/tune (after M)/ tute (Stangl)
2.172	ex minore M	ex minore M/ex minore sic L	ex minore sic L
2.174	notavi notas quae Wilk.	novi notas quae illa mihi L	Kum. (e.g.)
2.174	reliqua ML	Kum.	reliquum est ut (e.g.)
2.175	sed est M	et est L	LP
2.177	si cui . . . confirmes	corruption?	Kum.
2.178	ut et properans et ML	properans ut et Niemeyer (?)	properans ut et Niemeyer
2.181	conlocatione rerum	collocatione O	LP
2.192	parenthesis	different parenthesis	no paren- thesis*
2.193	†spondali illa† M	sponte aliena illa Madvig (?)	sponte aliena (?)
2.197	sodali M	sodali M/sodali et quaestore L	sodali et quaestore L
2.201	Apuleia ML	Appuleia	LP
2.202	illa causa L	illa causa L/illa ipsa causa Wilkins	illa ipsa causa Wilkins

2.202	<i>ut tu illud recc.</i>	<i>ut tuo illud L</i>	LP
2.204	[<i>abs te ipso commemoratam</i>] Schuetz	keep/delete	Kum.*
2.206	<i>si id iure V²</i>	<i>si id in re M</i>	LP (cf. Wisse 1989: 336)
2.206	<i>aut si Bake</i>	Kum.	<i>si aut ML</i> (Wisse 1989: 336–337)
2.210	<i>pervagatum L</i>	<i>perpetuum M</i>	LP
2.210	<i>esse videatur L</i>	<i>videatur M</i>	LP
2.211	<i>ita cum L</i>	<i>et cum M</i>	LP
2.213	[<i>sunt</i>] Pearce	<i>sunt ML</i>	Kum.
2.214	<i>idque . . . emissum</i> Sorof	<i>quae . . . emissa ML</i>	LP
2.215	<i>suppeditari M</i>	<i>suppeditari M/suppeditare L</i>	Kum. (?)
2.217	<i>ex iis aliquid M</i>	<i>ex iis aliquid M/aliquid ex istis L</i>	Kum.
2.221	<i>possunt M</i>	<i>possint L</i>	LPR
2.221–	<i>interpretantur.</i>	Kum.	<i>interpretantur</i>
222	<i>dicere enim aiunt</i> Ennium, “ <i>flammam . . . teneat</i> ” L		<i>dicere [enim aiunt]</i> Ennium, “ <i>flammam . . . teneat</i> ” Bake
2.222	<i>in illo M</i>	<i>in illo M/illo L</i>	<i>illo L</i>
2.224	<i>essemus ML</i>	<i>essemus (ego et M. filius)</i> Friedrich	LPR
2.225	<i>cum coniectis oculis L</i>	Kum.	<i>cum in eum coniectis oculis</i>
2.225	<i>ei imminenti Piderit</i>	<i>imminenti L</i>	LPR (?)
2.225	<i>Brute, quid sedes?</i> ML	Kum.	<i>Brute, (inquit), quid sedes? (e.g.)</i>
2.235	<i>venas ML</i>	<i>venas ML/genas Pinkster</i>	<i>genas Pinkster</i>
2.235	<i>oculos voltum M</i>	<i>oculos voltum M/voltum oculos L</i>	Kum.
2.237	<i>quod</i>	<i>id quod ML</i>	LPR

2.239	<i>praecipitur</i> ML	Kum.	<i>praecipiat</i>
2.242	<i>atque</i> ML	<i>atque</i> ML/ <i>atqui</i> Fleckeisen	Kum.
2.246	<i>et quod</i> L	<i>quod</i> H	LPR
2.249	[<i>ut</i>] Lamb.	<i>ut</i> HL	LPR
2.250	<i>et laudabile</i> H	<i>laudabile</i> L	LPR
2.251	<i>moribus</i> HL	<i>motibus</i> Non. (cod. G, ed. Basil.)	LPR
2.253	<i>ut belle ut</i> H	<i>ut belle et</i> L	LPR
2.254	<i>excellet</i> H	<i>excellet</i> H/ <i>excellit</i> L	Kum. (?)
2.255	<i>addito altero ambiguo genere ridiculi</i> L	<i>addito</i> [<i>altero</i>] <i>ambiguo</i> [<i>genere ridiculi</i>] Schuetz	LPR
2.257	<i>nec mater nec pater</i> [<i>sit</i>]	<i>nec pater nec mater est</i> Leo	<i>nec mater nec pater est</i>
2.257	<i>iam</i> [<i>aet</i>] <i>a te</i>	<i>iam</i> L	LPR
2.260	[<i>M.</i>] <i>Scipionem</i> Ellendt	<i>M. Scipionem</i> HL	LPR
2.264	<i>ut brevissimum</i> HL	Kum.	<i>ut brevis sim</i> Orelli
2.265	<i>conlationis</i> ⟨ <i>est</i> ⟩ Friedrich	<i>conlationem</i> Crat.	LPR
2.271	<i>nam sicut</i> Bake	Kum.	<i>nam</i> L
2.273	<i>Livius illius</i>	<i>Livius</i> edd. pl.	LPR
2.275	[<i>quasi</i>] <i>per dissimulationem</i> [<i>non intellegendi</i>]	<i>quasi per simulationem non intellegendi</i> H	<i>per (dis)sim- ulationem</i> (L/H)
2.277	<i>Egilio . . . Egilia</i> L	<i>Decio . . . Decilla</i> Cichorius	LPR
2.278	<i>miser cordia digna</i> H	<i>miseranda</i> L	LPR
2.279	<i>tamen</i> H	<i>quidem</i> L	Kum.
2.279	<i>mirum ni cantem?</i>	<i>mirum ni cantem.</i>	LPR
2.280	<i>est</i> (Lag. 93) <i>etiam stultitiae salsa reprehensio</i>	<i>etiam stultitiae salsa</i> ⟨ <i>est</i> ⟩ <i>reprehensio/etiam stultitiae salsa reprehensio</i> ⟨ <i>est</i> ⟩	LPR
2.280	<i>movent</i> HL	Kum.	⟨ <i>risum</i> ⟩ <i>movent</i> Muther (?)
2.284	<i>Appi maioris illius</i> HL	<i>Appi maioris illud</i> Badian [<i>sic</i>]	LPR
2.284	<i>peteretur</i> H	<i>peteretur</i> H/ <i>premeretur</i> L	Kum. (?)

2.284	<i>Lucull- HL (3x)</i>	<i>Lucull- HL/Lucili- ε</i>	Kum. (?) (cf. Index)
2.285	<i>ab hoc vero Crasso nihil facetius cum L</i>	<i>ab hoc vero Crasso nihil facetius quam cum</i>	[ab] hoc vero Crassi nihil facetius, cum Lamb.
2.285	<i>iocus est</i>	⟨cuius⟩ et iocus est Cima	⟨cuius⟩ iocus est Sorof
2.289	<i>inbuendus ML</i>	<i>inbuendus ML/induendus Schuetz</i>	Kum.
2.294	<i>cedere M</i>	<i>cedere M/concedere L</i>	Kum. (?)
2.305	<i>mihi ⟨forte⟩ Non.</i>	<i>mihi ML</i>	LP
2.310	<i>movendas permanare L</i>	[movendas] permanare Stangl	LP
2.313	<i>succuratur M</i>	<i>occuratur L</i>	LP
2.314	<i>ea quae excellent M</i>	Kum.	quaedam eorum, quae excellent (e.g.)
2.315	<i>aut commune HK</i>	<i>aut commune HK/atque commune AL</i>	Kum. (?)
2.317	<i>est spectandum Wyttenbach</i>	<i>expectandum est L</i>	LP
2.317	<i>evolet L</i>	Kum.	?*
2.319	<i>dixi M</i>	<i>dixi M/dixi n causa (after L)</i>	<i>a causa dixi</i>
2.321	⟨rursum⟩ Stangl	⟨autem⟩ Renting	LP
2.322	<i>gignantur M</i>	<i>gignuntur L</i>	LP
2.324	<i>trahetur Piderit</i>	<i>trahitur L</i>	LP
2.324	<i>explicare in principio M</i>	<i>in principio explicari L</i>	LP
2.325	⟨minime⟩ velle Kum.	⟨minime⟩ velle Kum./⟨non⟩ velle Wilkins/nolle recc./⟨vix⟩ velle LP	⟨vix⟩ velle LP
2.327	<i>"... in ignem impositast," decem versiculis</i>	Kum./"... in ignem impositast, fletur," minus fere decem versiculis Renting	"... in ignem impositast, fletur," minus fere decem versiculis Renting
2.328	<i>et est et A</i>	<i>et est HL</i>	LP
2.328	<i>ad intellegendum est M</i>	<i>ad intellegendum L</i>	LP
2.328	<i>si constituitur M</i>	<i>si sic constituitur</i>	LP

2.329	<i>in hoc</i> M	<i>in hac</i> L	LP
2.329	<i>in argumentando aut in [purgando aut] perorando</i>	<i>in arguendo</i> (Bake) <i>aut in purgando aut perorando</i>	<i>in arguendo aut in [purgando aut] perorando</i>
2.329	<i>cetera</i> M	<i>ceterae</i> L	LP
2.334	<i>petit</i> M	Kum.	<i>expetit</i> Reid
2.335	<i>[pecuniae]</i> (om. M)	<i>pecuniae</i> L	LP
2.335	<i>[utilitates]</i> Man.	<i>utilitates</i> ML	Kum.
2.341	<i>quoque tractatus</i> M	<i>quoque tractatus etiam</i> L	LP
2.350	<i>aut quod</i> L	<i>aut</i> M	LP
2.353	<i>surrexisse illum</i> M	<i>surrexisse illum ipsum</i> L	Kum.
2.357	<i>aut nominum</i>	<i>omnium</i> Stangl	LP
2.357	<i>si ea . . . etiam</i> M	<i>ea . . . si etiam</i> L	LP
2.358	<i><et> similium</i> Gruter	Kum.	<i><in qua exercitatione praecipue utilis est> similium (e.g.)*</i>
2.359	<i>singulis personis</i> ML	Kum.	<i>singulis personis <et rebus></i>
2.364	<i>quadriennio</i> ML	Kum.	<i>quadriennio ML/qui triennio Renting*</i>
2.366	<i>nomen suum</i> M	<i>nomen ipsum</i> L	LP
3.4	<i>esse ferebantur</i> Lamb.	<i>efferebantur</i> ML	LP
3.9	<i>et quoniam</i> M	<i>sed quoniam</i> L	LP
3.11	<i>C. Cotta</i> L	<i>Cotta</i> M [sic]	Kum.
3.26	<i>alii vituperandi</i> L	<i>alii <laudandi alii> vituperandi</i> Lamb.	LPW
3.28	<i>. . . egregius?</i> <i>tamen <quis></i> Lag. 81 corr.	<i>. . . egregius, tamen</i> L	LPW
3.47	<i>tum cum</i> Man.	<i>tum cum</i> Man./ <i>tu vero quod</i> Schuetz	Kum.
3.47	<i>mea</i> L	<i>ea</i> Kayser	LP
3.51	<i>[quam . . . audiamus]</i> Bake	<i>quam . . . audiamus</i> recc.	LP

3.54	<i>oratorum vim</i> L	<i>oratoriam vim</i> Lag. 76	LPW
3.55	<i>species</i> L	<i>specie</i> Kayser	LPW
3.59	<i>aut quamvis [qui]</i>	<i>aut qui</i> recc.	LPW
3.60	<i>fuit; is . . . iis,</i> <i>qui . . . recc.</i>	<i>fuit, is . . . ; is iis, qui . . .</i> Ernesti	LPW
3.60	<i>dedidisset</i> V	<i>dedisset</i> OP	LPW
3.62	<i>defenderunt</i> recc.	<i>defenderant</i> L	LPW
3.65	<i>utcumque est, (est)</i> Ellendt	Kum. / <i>utique est</i> Klotz / <i>[utrumque]</i> est Bake	Kum. (?)
3.78	<i>hominum Stoici</i> L	<i>homines Stoici</i> Ascens.	LPW
3.79	<i>istos quidem</i> <i>nostros</i> L	<i>istos quidem [nostros]</i> Ernesti	LPW
3.80	<i>rhetoricum</i> L	<i>[rhetoricum]</i> Schuetz	LPW
3.80	<i>[exercitationemque]</i> Orelli	<i>exercitationemque</i> L	LPW
3.81	<i>istum vestrum</i> L Non.	<i>istum veterem</i> anon. ap. Pearce	LPW
3.81	<i>depingere; nosque</i>	<i>depingere, nosque</i>	LPW
3.81	<i>oratorum istorum</i> L	<i>[oratorum] istorum</i> Madvig	LPW
3.88	<i>naturae rerum</i> Sydow	<i>rerum</i> Müller	LPW
3.92	<i>undique [et]</i> Schuetz	<i>undique et</i> L	LPW
3.94	<i>humanitatem dignam</i> <i>scientia</i> L	Kum. / <i>humanitate dignam</i> <i>scientiam</i> Lamb.	<i>humanitate</i> <i>dignam</i> <i>scientiam</i> Lamb. (?)
	Kum.	May / Wisse	
3.100	<i>satiantur; in scriptis</i>	<i>satiantur, in scriptis</i>	
3.105	<i>etiam maior est illa exercitatio</i> L	<i>in his magna est vis illius facultatis</i> (e.g.)*	
3.109	<i>olim autem</i> L	<i>olim autem (qui)</i> Kassel, Rheinisches Museum 109 (1966) 4–5	
3.110	<i>atque [hactenus loquantur] etiam</i> <i>hac (in) (Ernesti) instituendo</i> <i>divisione utuntur</i>	<i>atque [hactenus loquantur] (rhetores)</i> <i>etiam hac (in) instituendo divisione</i> <i>utuntur</i> Sorof (e.g.)	
3.122	<i>rhetorum</i> ML	<i>oratorum</i> Schuetz (cf. LPW ad 3.81)	
3.139	<i>civitatis</i> ML	<i>civibus</i> Bergk (cf. P.-H., Wilkins)	
3.150	<i>sed</i> ML	<i>et</i> Wilkins in comm.	
3.151	<i>"aliquis non . . ."</i>	<i>aliquis "non . . ."</i>	

3.153	<i>Coelius</i> Crat.	<i>Laelius</i> ML (cf. Lebek 1970)*
3.157	<i>similitudinis . . . repudiatur</i> ML	[<i>similitudinis . . . repudiatur</i>] Sorof (cf. Wilkins)*
3.166	<i>insistent</i> ML	<i>sistent</i> Kiessling (and Reid ap. Wilkins)
3.167	<i>modus hoc</i> (typo)	<i>modus hic</i>
3.167	<i>ne illa quidem</i> ML	[<i>ne</i>] <i>illa quidem</i>
3.167	<i>sed in oratione</i> ML	[<i>sed in oratione</i>] Schuetz
3.181	<i>possit</i> L	<i>posset</i> M
3.190	<i>nobis</i> O	<i>vobis</i> MVP
3.191	[<i>illi</i>] (om. M)	<i>illi</i> L
3.200	<i>putent</i> ML	<i>putant</i> R ⁿ , edd. pl.
3.200	<i>moveantur, ut is < . . . > qui in armorum tractatione versantur</i>	<i>moveantur, < sic . . . > [ut ii/is/iis qui in armorum tractatione versantur]</i> (del. Gruter, Ernesti, alii)*
3.202	<i>valent et</i>	<i>valet</i> codd. AB Quint.
3.213	<i>dominantur</i> (typo)	<i>dominatur</i>
3.227	<i>est—nam . . . est—et</i>	<i>est. nam . . . est, et</i> (cf. Adler in Piderit-Adler, P.-H.)

Glossary

This Glossary covers terms found in the translation and introduction, mainly from the areas of rhetoric and of Roman life and politics. Roman institutions are here described as they were during the period relevant to *De oratore*, i.e., approximately 200–50 BC. In other words, the considerable changes that occurred in the preceding centuries are, for the most part, neglected.

An asterisk (*) preceding a word or phrase refers to the relevant entry elsewhere in the Glossary.

abundantia ("abundance, richness"): see at *ornatus*.

actio: see at delivery.

activities of the orator: the stages through which the orator is expected to proceed in composing and delivering a speech; there were traditionally five: *invention, *arrangement, *style, *memory, and *delivery. These formed the organizing principle of most of the rhetorical systems of Cicero's day, and they are also employed by Cicero in *De oratore* (though with important modifications). See Introduction, pp. 29–32 (with note 37 on the term "activities"); Diagram 3 on p. 30.

aedile: Roman magistrates, elected annually to serve for one year; there were two curule aediles and two plebeian ones. Their responsibilities were connected with care of the city people, and included the grain supply (*annona*) and the public games (cf. 3.92 note 112). From 180 BC at the latest, the minimum age for this office was 36 (cf. at magistracies).

allegory: one of the *tropes; in Cicero, the term "allegory" indicates continuous metaphor (for wider concepts of allegory found elsewhere cf. Innes 1988 [1989]: 321–322).

appropriateness: one of the four (Theophrastean) *qualities of style found in *De oratore*. See Introduction, pp. 35–36, with Diagram 5.

argumentation (*argumentatio*): the *"part of a speech" that usually received most attention in the rhetorical handbooks; usually treated as consisting of two separate parts, viz., proof (supporting one's own position) and refutation (of the opponent's arguments).

arrangement (*dispositio*): the second of the standard set of *"activities of the orator," consisting of ordering the material of a speech. See Introduction, pp. 29–32; 35.

art (*ars*, Greek *technē* [τέχνη]): used loosely, this term could refer to any more or less systematic discipline or skill; also, to a handbook describing the rules of such a discipline. More strictly defined, it referred to a systematic body of real knowledge that constituted a reliable guide for attaining the desired practical results; or to the practical skill based on such a system. (See Introduction, pp. 23, 24–25; and for the controversies over the importance of art vs. nature for a speaker, Introduction, p. 27.)

assembly: in Rome, legislation as well as the election of magistrates and of some other officials took place in assemblies. In the 2nd and 1st centuries BC, three types of assembly were important. The “centuriate assembly” (*comitia centuriata*), military in origin and usually held in the Campus Martius, had legislative powers; elected praetors, consuls, and censors; declared war and peace; and had a judicial function (which was no longer much in use in the 1st century); its voting system greatly favored the rich. The organization of the assembly of the *plebs (*concilium plebis* or *comitia plebis tributa*), which was usually held in the forum (until 145 BC in the adjoining *comitium*), was more democratic; its main functions were to elect the tribunes of the plebs and the plebeian aediles, and (probably from 287 BC) to enact laws. The assembly of the people (*comitia populi tributa*) was similarly organized; its main functions were to elect the quaestors and the curule aediles. (Cf. at public meeting, and the references p. 4 note 1.)

augur: member of the priestly College of Augurs, who were the official Roman diviners. They were drawn from prominent members of society; Cicero became an augur in 53 or 52 BC. Among other things, they advised the Senate and magistrates about signs indicating the will of the gods.

catachresis (Latin *abusio*): one of the *tropes; in later sources, the term “catachresis” usually indicates a necessary metaphor (i.e., a metaphor employed because no ordinary word is available; cf. 3.155); in Cicero, however, it is a weak sort of metaphor, which involves the use of a neighboring word instead of the ordinary one (3.169; *Orator* 94; but also *Rhetoric for Herennius* 4.45); cf. Innes 1988 [1989]: 324–325.

censor: Roman magistrate. Every 5 years, two censors were elected to hold office for 18 months. Among their duties were the *census*, the revision of the list of Roman citizens (organized in classes and tribes), which included promotion and demotion from one social rank to another, and the enrollment of new citizens; and removal of unworthy members from the Senate. Their term was concluded by the ceremony of the *lustrum*, which included a sacrifice. The office was a prestigious one, and traditionally held by ex-consuls.

character: see at *ethos*.

characters of style: see at types of style.

chief priest (*pontifex maximus*): see at priest.

clarity: one of the four (Theophrastean) *qualities of style found in *De oratore*. See Introduction, pp. 35–36, with Diagram 5.

client (*cliens*): (1) generally, a person who was supported and protected, on a permanent basis, by another person of superior social rank (his *patronus*), and who was obliged to render services in return. (2) By a different but closely related usage, the terms *patronus* and “client” were frequently used for a pleader in court and the person he represented (the latter not necessarily being of inferior status).

commonplaces (also called “topics”; Latin *loci*, Greek *topoi* [τόποι]): a term used in rhetorical theory for elements that were common to many different cases. There were a number of types of such elements, of which the following five are the most frequent; they ranged from virtually fixed statements (1 and 2), through elements that had to be adapted to specific circumstances (3 and 4), to abstract argument patterns (type 5): (1) condemnations of specific terrible acts such as murder, etc. (usable in all cases about murder, etc.; cf. 3.106); (2) standard arguments about specific issues that could be argued either way, such as the reliability of witnesses (cf. 2.118–119); in 3.107–108, this type is broadened by Cicero to yield something essentially different (see 3.106 note 127); (3) ready-made argument types for a specific class of case; dominant in standard rhetoric, which provided lists of such arguments for each *status (cf. 2.127 note 91; Introduction, pp. 32–34); (4) standard approaches for arousing emotions, particularly hatred, mercy, and pity (cf. 3.106); (5) abstract argument patterns, as found in Aristotle, *Rhetoric* 2.23 and in his *Topica*; in *De oratore* 2.114–177, Antonius advocates this approach as far superior to the standard approach, which employed type 3.

conclusion, epilogue (*conclusio, epilogus*, cf. *peroratio*): terms for the last of the *parts of a speech; the rhetorical rules varied somewhat, but invariably prescribed arousing the emotions of the audience, and often added the element of summing up.

confirmatio: see at proof.

consul: the consuls were the chief Roman magistrates. Annually, two consuls were elected to hold office for a year; they had military as well as civil powers. From 180 BC at the latest, the minimum age for this office was 42 (cf. at magistracies).

consul suffectus: magistrate elected as a substitute when a Roman consul died in office or had to resign.

contio: see at public meeting.

copia (“copiousness, fullness, richness”): see at *ornatus*.

Council of One Hundred: council that judged the most important civil cases. In the period of the Republic, it consisted of 105 members, three from each of the 35 tribes (cf. 1.173).

deliberative oratory: the oratory of deliberation, almost always confined to political deliberation (in Rome, implying oratory in the *Senate and before the *assemblies and *public meetings); the second of the three standard *genres of traditional rhetorical theory.

delivery (*actio, pronuntiatio*): the fifth of the standard set of *activities of the orator," consisting of the presentation of a speech in terms of movements, gestures, facial expression, voice, etc. See Introduction, pp. 29, 37–38.

demonstrative oratory/rhetoric: see at epideictic.

dialectic: the art of reasoning (cf. 1.9), taught and practiced in (some of) the philosophical schools, particularly the Stoa. It was close but not identical to our logic; for a number of its aspects, cf. 1.186–190 (systematization of other arts); 2.111 (ambiguities); 157–160 (logic, especially judgments of the truth or falsity of propositions); and see Rawson 1978; 1985: 132–142.

dictator: Roman supreme magistrate, appointed in cases of emergency (normally by a senior magistrate, after authorization by the Senate), to hold office for 6 months at most. The office was not used in the 2nd century BC, but Sulla, after his victory in the civil war in 82 BC, had himself made dictator; he irregularly remained in office until abdicating in 79. Caesar was likewise appointed dictator in 49 and repeatedly afterward.

digression (*digressio*): (1) a *part of a speech" often included in the standard rules; its insertion was recommended especially between argumentation and conclusion (see Introduction, p. 29, Diagram 2). (2) Sometimes the digression was listed among the figures of thought and/or speech (cf. 3.203 and 207, with note 293, and with the comments in Appendix B, p. 306).

dispositio: see at arrangement.

distinction, distinguished: see at *ornatus*.

divinatio: an inquiry preliminary to a criminal trial, to determine which of two or more accusers should be allowed to prosecute. Cicero's speech *Divinatio against Caecilius* is from such an inquiry, preliminary to his famous case against Verres.

division (*divisio, partitio*): a *part of a speech" often included in the standard rules before the argumentation; it was supposed to outline the structure of the speech by an announcement of the several points that the speaker intended to treat, very often combined with the "proposition" (a statement of the issue at hand and of the proposition he was going to defend).

elocutio: see at style.

emotional appeal: see at pathos.

epideictic (or demonstrative) oratory/rhetoric: a term often used for the laudatory genre, but (especially in modern discussions) also for all gen-

res not covered by judicial and deliberative oratory/rhetoric; it is not used in *De oratore*; see Introduction, p. 28.

epilogue (*epilogus*): see at conclusion.

eques (plural *equites*): literally, "knight, cavalryman." They formed the second social class in Rome, consisting of the wealthy who were not senators; membership required a certain property qualification (viz., of [probably] 400,000 sesterces) and free birth.

ethos: (1) as a Greek word, *ēthos* (ἦθος) means "character"; (2) derived from this word is the primarily modern designation "ethos" for the use of the character of the speaker (or his client) and his opponent(s) to persuade an audience; in this sense, it is part of the triad arguments-ethos-*pathos, which is found in Aristotle and also forms the basis of Cicero's approach to *invention in *De oratore*. The exact concepts of ethos in Aristotle and Cicero are, however, slightly different. See Introduction, pp. 34–35; Diagram 3 on page 30.

exordium ("introduction"): see at prologue.

figures of speech: "a configuration of language that differs from the normal and obvious usage" (Quintilian 9.1.4). The concept was somewhat vague, and the lists of figures in the rhetorical handbooks were constantly growing. Cf. Introduction, p. 36; note 277 at 3.201; Appendix B.

forum (more fully, *forum Romanum*): the public square that was the center of Roman political, ceremonial, legal, and commercial life; "the forum" is therefore often a way of referring to public or political life. It was in the forum that most *public meetings and many of the *assemblies were held; that the *curia* or Senate House, the venue of most Senate meetings, was located; and that (in the open air) most criminal and civil trials took place. (Cf. Introduction, p. 7.)

freedman, freedwoman: a slave set free by his owner; freedmen and freedwomen of Roman citizens were usually also given citizenship (cf. 1.38 with note 30); they remained *clients of their former owner.

fullness: see at *ornatus*.

genres: standard rhetoric usually divided oratory into three standard genres, viz., judicial, deliberative, and laudatory; see Introduction, p. 28.

grammarians: This (originally Greek) term was used to describe "scientific" grammarians as well as elementary teachers of literature. The treatment of poetry was central to the activity of both groups.

gymnasium: a place for exercise in Greek cities, often located near a shrine or sanctuary. From the 4th century BC onward many gymnasia also became intellectual centers, since philosophers often gathered and taught in them; in the same period, they came to be enclosed areas with colonnades and other architectural elaborations. Wealthy Romans often had gymnasia and *palaestrae built as part of their villas.

head of a household: translates *pater familias*; the head of a household had great legal powers over his wife, children, and all his descendants through the male line. Any Roman male who became independent of his father's authority (by the father's decision or by his death) automatically became a *pater familias*.

hypothesis: a "specific question," concerned with specific persons, events, and circumstances; e.g., a judicial case; contrast **thesis*, and see Introduction, pp. 25, 26, 27–28.

introduction (*exordium*): see at prologue.

invention (*inventio*): the first of the standard set of "activities of the orator," consisting of thinking out (or "discovering") the material for a speech. See Introduction, pp. 29–32; 32–35.

judicial oratory: the oratory of lawsuits; the most important of the three standard **genres* of traditional rhetorical theory.

jurisconsult: legal experts, who gave advice, helped people draw up documents, etc.; to be distinguished from orators/pleaders (cf. Introduction, p. 5 with note 3).

laudatory oratory: the oratory of praise, usually thought of as including its opposite, the oratory of blame; the third of the three standard **genres* of traditional rhetorical theory.

leader of the Senate (*princeps senatus*): the senator who was placed at the top of the list by the **censors* and functioned as the senior member of the Senate.

lustrum: the closing ceremony of the **censors'* term of office; it included a sacrifice.

magistracies, magistrates: the term used for (the holders of) the public offices in Rome, all of which except the **dictatorship* were shared between colleagues, and all of which were tenable for a fixed period only (most were annual; but see at *proconsul* and *propraetor*). The most important of the annual magistrates of the Roman people as a whole were the **quaestors*, the curule **aediles* (two for each year), the **praetors* (six or eight), and the two **consuls* (the highest annual office); two **censors* were elected every 5 years. The magistracies of the Roman **plebs* were the **tribunes of the plebs* (ten for each year) and the plebeian **aediles* (two).

For many of the magistracies, there were regulations about the minimum ages at which they could be held, their sequence, and the intervals between them. In Cicero's time, the road to the highest office, as regulated by Sulla's laws of 81 BC, was as follows: quaestorship (minimum age most probably 30), praetorship (39), consulship (42) (the Romans had no official term for this triad; in modern scholarship it is often called the *cursus honorum*). An aedileship (minimum age 36) or a tribunate was often inserted after the quaestorship. In the pre-Sullan pe-

riod, similar rules applied, dating from the beginning of the 2nd century BC (cf. also 2.261 with note 242). The censorship was traditionally held by ex-consuls.

majesty (*maiestas*) of the Roman People: "impairing the majesty of the Roman People" (basically, treason) was a crime for which a permanent court was first established in 103 BC, on the basis of the Appuleian Law (2.107, 201); Norbanus was one of those accused under this law. Trials before this court virtually replaced the outdated procedure of a trial for *perduellio* ("treason") before the centuriate *assembly, which had still been used in this same year against Caepio and Mallius. (Cf. D. Cloud in CAH IX²: 518–520.)

memory (*memoria*): one of the standard *"activities of the orator," usually placed fourth, consisting of memorizing a speech. See Introduction, pp. 29, 37.

metaphor (Latin *translatio*): one of the *tropes, viz., the use of a word to indicate something that is different from what it literally means.

metonymy (Latin *immutatio*): one of the *tropes, viz., the use of a word that normally indicates one thing to indicate something closely associated with it, such as "Rome" instead of "Romans" (cf. 3.167–168).

narration (*narratio*): second of the traditional *"parts of a speech," containing an account of what (really or allegedly) happened; according to the standard rhetorical rules, it should be brief, clear, and plausible.

new man (*novus homo*): this term often designates a man who was the first of his family to reach senatorial status; more particularly, such a man who managed to attain the consulship. Cicero was among the few new men of his time in the latter category.

Nobles, Nobility: (1) in a general sense, the Roman families who belonged to the (relatively small) ruling class (2.199). (2) In a quasi-technical, more exclusive sense, the term came to designate those Roman families that were descended from a consul (cf., probably, 2.225 and 242).

novus homo: see at new man.

ornatus ("distinction"): The most important of the *qualities of style (see Introduction, pp. 35–36 with Diagram 5; Greek terms were *kosmos* and *kataskewē*). We have translated *ornatus* (and cognates) by "**distinction**" (and cognates), thus avoiding more traditional translations such as "embellishment" and "ornamentation"; these suggest that certain stylistic features are added on to the content like cosmetics, which runs counter to Cicero's view. In his eyes, style must be firmly rooted in content (e.g., 1.20; 3.125); the two are in fact inseparable (3.19–24). Moreover, the word "distinction," just like *ornatus*, can be applied also in nonstylistic contexts, which allows us to reproduce the repeated claim that the true *ornatus* of a speech resides in content, a claim that constitutes one of Cicero's arguments for the necessity of knowledge for the orator.

Other words that can similarly be applied to both content and style are also frequently employed by Cicero to convey the same suggestion, particularly *varietas* (variety), *abundantia* (abundance, richness), *copia* (copiousness, fullness, richness), and *ubertas* (richness, fullness); see, e.g., 1.50; 3.53, 125.

palaestra: "wrestling ground," where one exercised in running, wrestling, boxing, jumping, javelin throwing, etc.; often located in a *gymnasium.

partitio: see at division.

parts of a speech: the standard divisions of a speech as found in the rhetorical handbooks; they could either form the organizing principle of a handbook as a whole, or be subordinated to one of the "activities of the orator" (*invention or *arrangement); see Introduction, Diagram 2 on p. 29, pp. 28–31, 35.

pater familias: see at head of a household.

pathos: (1) as a Greek word, *pathos* (πάθος) means "state of mind, emotion"; (2) derived from this word is the primarily modern designation "pathos" for the arousal of emotions in the audience by the speaker; in this sense, it is part of the triad arguments-*ethos-pathos, which is found in Aristotle and also forms the basis of Cicero's approach to *invention in *De oratore*. The exact concepts of pathos in Aristotle and Cicero are, however, slightly different. See Introduction, pp. 25, 34–35; Diagram 3 on p. 30.

patronus: (1) generally, a man who supported and protected another person of inferior social rank on a permanent basis; this person was his "client," and obliged to render services in return. (2) By a different but closely related usage, the terms *patronus* and "client" were frequently used for a pleader in court and the person he represented (the latter not necessarily being of inferior status).

period: a complete sentence, especially a fairly complex and lengthy one in which the ideas presented at its beginning as well as its syntax reach completion (are "rounded off") only at its end. See the discussion in 3.173–198; and 3.173 note 232; 186 notes 258–259.

peroratio: see at conclusion.

plebs: according to tradition, originally the mass of Roman citizens as distinct from the "patricians" (the aristocrats of the early Roman period). By the late 3rd century BC or even earlier, however, the wealthier plebeian families and the patricians together had come to form the Roman Nobility (*Nobility (1)), though the distinction between patrician and plebeian families was still maintained for a few purposes (e.g., only plebeians could be tribune of the plebs); the plebs, then, comprised both these wealthier families and the mass of humbler citizens. The plebs had their own *assemblies and their own magistrates, the *tribunes of the plebs and the plebeian *aediles.

pontifex, pontifex maximus: see at priest.

praetor: senior Roman magistrates, elected annually to hold office for a year, whose military and civil powers were inferior only to those of the consuls. From 198 BC onward, there were six; from 81 onward, eight. Praetors played an important role in civil procedures (cf. 1.166 note 119) and presided over a number of the criminal courts. From 180 BC at the latest, the minimum age for this office was 39 (cf. at magistracies).

priest: translates Latin *pontifex*, the title of the members of the chief college of priests in Rome. They were not a special caste, but drawn from prominent members of society. Membership was for life; the college was headed by the chief priest (*pontifex maximus*). Their numerous duties included the oversight of the rituals of the state cult, such as sacrifices and festivals; and guarding (and partly creating) the "pontifical law" (cf. 3.136 with note 164).

princeps senatus: see at leader of the Senate.

principium: see at prologue.

proconsul: magistrate with the authority of a *consul; usually a *praetor or consul whose term of office had expired, but whose command was extended in service abroad.

prologue (*principium*), **introduction** (*exordium*), **prooemium** (*prooemium*): terms for the first of the *"parts of a speech"; according to the standard rhetorical rules, it should make the audience well disposed, attentive, and receptive.

pronuntiatio: see at delivery.

prooemium: see at prologue.

proof (*confirmatio*): apart from its normal usage, *confirmatio* ("proof, confirmation," etc.) was used in many rhetorical handbooks to indicate that subpart of the *argumentation in which the speaker was supposed to argue for his own position.

proposition (*propositio*): (1) a *"part of a speech," often subsumed under the *division, containing a statement of the issue at hand and of the proposition the speaker was going to defend (2.80, 331). (2) That part of a so-called epicheirema in which the point to be made was formulated (cf. 2.177 with note 147).

propraetor: magistrate with the authority of a *praetor; usually a praetor whose term of office had expired, but whose command was extended in service abroad.

province (*provincia*): (1) the official sphere of action of a Roman magistrate, whether a set of specific tasks (such as those connected with the affairs of the city) or a geographical area. (2) Territory under permanent Roman rule.

public meeting: a Roman *contio* (here translated by “public meeting”) was a meeting without voting powers. It could be held separately (usually in the forum), to give politicians the opportunity of addressing the people; but official *assemblies (which were restricted to the voting as such) were also generally preceded by a *contio*. (Cf. Introduction, pp. 4–5.)

quaestor: Roman magistrates, elected annually to serve for one year. In the 2nd century BC, there were at least eight; from 81 onward, twenty. Quaestors were primarily financial officers, and were attached to senior magistrates; their office was often extended for a year, under the title of proquaestor. From 81 BC, the minimum age for this office was most probably 30 (cf. at magistracies).

qualities of style (also known as **virtues of style**): Many discussions of *style were organized according to the qualities deemed necessary for every speech; Cicero employs the principle in *De oratore*, where the number of qualities is four (as in Theophrastus): correct use of the language, clarity, “distinction” (Latin **ornatus*), and appropriateness. See Introduction, pp. 35–36, with Diagram 5.

refellere: see at refutation.

refutation (*refutatio*, *reprehensio*; cf. *refellere*): apart from its normal usage, “refutation” was used in many rhetorical handbooks to indicate that subpart of the *argumentation in which the speaker was supposed to refute his opponent’s arguments.

reprehensio: see at refutation.

rhetoricians: professional teachers of rhetoric; many of them produced rhetorical handbooks, which contained some variant of the standard rhetorical rules, and on these their teaching was generally based. With the exception of some atypical, particularly famous teachers (such as Apollonius of Alabanda and Apollonius Molon), rhetoricians were of inferior social status. Cf., e.g., 1.86; 3.54; and for the difference between Cicero and the rhetoricians, Introduction, pp. 9–11, 23–26.

richness: see at *ornatus*.

rostra: the platform in the Roman Forum from which speakers addressed the people, adorned with the beaks or rams of ships (*rostra*) captured during the battle of Antium in 338 BC.

Salii (“Leapers”): name of the members of a ritual *sodalitas* (a college of priests) that, in Rome, was connected with Mars (other religious connections existed in other Italian towns). They held processions at certain public feasts, accompanied by ritual dances, at which they sang their hymn(s) (the *Carmen Saliare*).

Senate: Rome’s council of state, with ca. 300 members (after Sulla, ca. 600), and composed of essentially all ex-magistrates. Though it had only advisory powers in some areas, it was extremely influential and presti-

gious; its resolutions were almost invariably obeyed and, unless vetoed, gained force of law when implemented (cf. 3.5 note 4). Most meetings were held in the **Senate House** (*curia*), located in the forum. The **senators** were the highest social class; just as the **equites*, they had to be free-born and to meet a certain property qualification (viz., of [probably] 400,000 sesterces).

sophists: term used for the traveling teachers in 5th- and 4th-century Greece. Some sophists were major thinkers, many others primarily taught rhetoric; the earliest systems of rhetorical rules were devised by them (cf. Introduction, pp. 28–29); Plato attacked many of them vigorously. See especially 3.126–131.

status theory: theory providing a way to analyze and classify the central question at issue in a speech; dominated the treatment of **invention* in standard rhetoric in Cicero's time. See Introduction, pp. 32–34.

style (*elocutio*): one of the standard **"*activities of the orator," usually the third, consisting of putting the material of a speech into words. See Introduction, pp. 29, 35–36.

sylogism: a deductive argument consisting of two premises (a "major" and a "minor" one) and a conclusion.

synecdoche: one of the **tropes*, viz., the use of a part to indicate the whole, or the other way round; or of the singular to indicate the plural, or the other way round.

thesis: a "general question," often of a philosophical or semiphilosophical nature; contrast **hypothesis*, and see Introduction, pp. 25, 26, 27–28.

tribune (of the plebs): magistrates of the Roman **plebs*, elected annually in the **assembly* of the plebs, to serve for one year. According to tradition, the office was created in 494 BC as a result of a "secession of the plebs" (during which the plebs left Rome, as an act of civil disobedience). From 449 at the latest, there were ten tribunes. Their chief responsibility was the defense of the persons and property of the plebeians. They had the authority to veto acts of magistrates, elections, laws, and resolutions of the Senate, and could propose laws to the plebeian assembly. Their powers were first fully exploited by Tiberius and Gaius Gracchus; in the case of Drusus in 91 BC, the office was used by a group of senators to oppose one of the consuls.

triumph: procession of a general who had won a major victory; it culminated in a sacrifice on the Capitol.

tropes: "a change of a word or phrase from its proper meaning to another to produce some positive effect" (Quintilian 8.6.1). The most important tropes are **allegory*, **catachresis*, **metaphor*, **metonymy*, and **synecdoche*. (Cf. 3.167 note 213.)

Twelve Tables: the first formal codification of Roman law, carried out, according to tradition, by a board of ten men (*decemviri legibus scribundis*) in 451–450 BC.

types (or characters) of style: Many discussions of *style were organized according to a number of different stylistic “types”; a well-known example is the theory that posited three types, plain, middle, and grand. The concept is not employed as an organizing principle in *De oratore*. See Introduction, p. 35.

ubertas (“richness, fullness”): see at *ornatus*.

varietas (“variety”): see at *ornatus*.

virtues of style: see at qualities of style.

Index of Names and Places

The following index is meant as a guide to the persons and place names occurring in *De oratore* (for these, we have aimed at completeness) or in our Introduction. For reasons of accessibility to nonspecialists, the names are listed alphabetically by the form in which they are found in the translation, despite the inconsistency this entails in the presentation of Roman names (some persons occurring under their *cognomen*, some under their *nomen*); we trust that specialists will have little difficulty in finding their way.¹

At the entries for Greek persons (and a few others), dates, if known with sufficient precision, are given in the form "525/4 BC"; this reflects the fact that according to the Athenian calendar, the year started in the summer. Dates in the form "525/524" indicate uncertainty as to precise dating; and those in the form "525–524" indicate a period of two years (or a point of time within it).

At the entries for Roman political figures, the enumeration of political offices has in general been restricted to the highest of the regular offices attained, to which censorships, dictatorships, and pontificates have been added wherever applicable, as an indication of a person's status. Exceptions have been made where lower offices may be relevant for understanding a person's appearance in *De oratore*. (All of this, of course, with the proviso that our knowledge of the careers of many Romans is quite fragmentary.)

Roman first names are abbreviated here as usual: A. = Aulus, C. = Gaius, Cn. = Gnaeus, D. = Decimus, L. = Lucius, M. = Marcus, M'. = Manius, P. = Publius, Q. = Quintus, Ser. = Servius, Sex. = Sextus, Sp. = Spurius, T. = Titus, Ti. = Tiberius.

Abdera (3.128): city in Thrace, on the north coast of the Aegean; birthplace of Protagoras and Democritus.

Academy, Academic (1.43, 45, 84, 98; 3.62, 67–68, 75, 109–110, 145): the philosophical school founded by Plato in the early 4th century BC, named from a public park in the outskirts of Athens, or from the gymnasium

¹Scholarship in the areas of prosopography and chronology is still progressing, and we have tried to base our entries on the best among recent research (often—but not always—reflected in the third edition of the *OCD*). The conclusions drawn in LP, and especially in the part on wit (LPR; often neglected in scholarship written in English), have been taken into account. Any departures from these or from other scholarship, though always implicit, are intended to be the result of conscious decisions.

located there. After a phase in which the school held positive philosophical doctrines, it adopted a sceptical orientation under the leadership of Arcesilaus, ca. 270 (cf. Introduction, pp. 20–22).

L. Accius (3.27, cf. 3.154, 158, 217, 219): Roman tragic poet (170–ca. 85 BC).

Achilles (3.57): greatest Greek hero of the Trojan War; his wrath is at the center of Homer's *Iliad*.

C. Visellius Aculeo (1.191; 2.2, 262): friend of Crassus, married to Cicero's maternal aunt.

Acusilas (2.53): early Greek writer of history ("logographer") from Argos (ca. 500 BC).

L. Aelius Lamia (2.262, 269): contemporary of the interlocutors, unknown outside of *De oratore*; perhaps the father of Cicero's friend L. Aelius Lamia, praetor in 43 BC.

Sex. Aelius Paetus Catus (1.198, 212, 240; 3.133): born ca. 235 BC, consul in 198; eminent jurist who published a three-part work (*Tripertita*), which included the text of the Twelve Tables and a commentary on them, as well as formulas for use in litigation and perhaps in private transactions; cf. 1.198 note 166.

L. Aelius Stilo Praeconinus (1.193, 265): first important Roman scholar (ca. 150–ca. 85 BC); his studies were concerned primarily with grammatical, literary, and antiquarian questions; influenced Cicero, Varro, and others.

Aemilianus: see Scipio.

Aemilius, for M. Aemilius Lepidus and M. Aemilius Lepidus Porcina, see Lepidus; for M. Aemilius Scaurus, see Scaurus.

Aeschines (1.45; cf. p. 243): philosopher of the Academy, from Naples (Neapolis) (second half of the 2nd century BC); pupil of Carneades.

Aeschines (2.94; 3.28, 213): Athenian orator and politician (ca. 397–ca. 322 BC); political opponent of Demosthenes, and his adversary in the famous Ctesiphon trial (cf. 3.213 note 298).

Aeschylus (3.27): one of the three most famous Greek tragic playwrights (525/4–456/5 BC).

Clodius Aesopus (1.259; cf. 3.102): Roman tragic actor (2nd/1st century BC); he and Q. Roscius were the two most distinguished actors of their time.

Africanus: see Scipio.

Agésilas (2.341; 3.139): Spartan king (ca. 445–359 BC); depicted as a model ruler by Xenophon, who had been closely associated with him.

Aglaophon (3.26): Greek painter of ca. 420 BC (whom Cicero possibly confused with his grandfather of the same name, ca. 500, the father and teacher of the more famous Polygnotus).

- Ajax**, son of (the Locrian king) Oileus (2.265): Greek hero, who, after the sack of Troy, raped Cassandra at the altar of Athena.
- Ajax**, son of Telamon (cf. 2.193; 3.217): Greek hero of the Trojan War; committed suicide after an attack of madness, when Odysseus, not he, had received Achilles' arms after the latter's death.
- Alabanda** (1.126; 2.95): city in southwestern Asia Minor, birthplace of Apollonius and the orators Hierocles and Menecles.
- Alba Longa** (2.224): city in Latium, located on the Alban Mount, about 15 miles southeast of Rome; many Romans owned country estates there.
- Albius** (2.281): apparently quaestor to Scaevola in Asia in 120 BC.
- T. Albucius** (2.281; 3.171): praetor in 107 or 105 BC; in 119/118, prosecuted Scaevola (the interlocutor) for extortion (cf. 3.171 note 226).
- Alcibiades** (2.93; 3.139): ambitious Athenian general and politician (451/50–404/3 BC); pupil and friend of Socrates; played an important role during the second half of the Peloponnesian War between Athens and Sparta.
- Alexander the Great** (2.58, 341; 3.141): Macedonian king, general, and conqueror (356–323 BC); son of Philip of Macedon; in his youth, tutored by Aristotle.
- Anagnia** (2.269): town located about 40 miles southeast of Rome.
- Anaxagoras** (3.56, 138): Greek natural philosopher from Clazomenae in Asia Minor (ca. 500–428 BC); teacher and friend of Pericles.
- Antiochus** of Ascalon: philosopher and one of Cicero's teachers in Athens; pupil of Philo of Larissa, from whose scepticism he later rebelled, founding his own school, which he called the "Old Academy"; assumed by some scholars to have influenced Cicero's ideas in *De oratore* (cf. p. 243; 3.67 note 84; Introduction, p. 22 note 27).
- Antiochus the Great** (2.75): king of the Seleucid empire in the Near East from 223 BC until his death in 187 (born ca. 242); received Hannibal after the latter's defeat at the hands of the Romans; was himself subsequently defeated by Rome (190 and 189 BC; cf. 1.14 note 11).
- Antipater**: see Coelius.
- Antipater** (3.194): Greek poet (ca. 100 BC) from Sidon, on the coast of Phoenicia (modern Lebanon).
- Antipater** of Tarsus (cf. p. 243): Stoic philosopher; succeeded Diogenes of Babylon as head of the Stoic school (ca. 150 BC), and taught Panaetius, who succeeded him.
- Antiphon** (2.242): character in a Roman comedy, probably Caecilius Statius' *Synephebi*.

Antisthenes (3.62): Athenian philosopher (ca. 455–360 BC); had first been a pupil of Gorgias, and a rhetorician, but then became a pupil of Socrates; writers of the “Successions” (3.62 note 76) made him the founder of the Cynic “school” of philosophy.

M. Antistius (2.287): Roman *equus* from Pyrgi (a town about 30 miles northwest of Rome), unknown outside of *De oratore*.

M. Antonius: see Introduction, pp. 13, 14.

Apelles (3.26): Greek painter from Colophon in Asia Minor; famous for his Aphrodite of Cos and for being the preferred portrait artist of Alexander the Great.

Apollo (1.199): Greek god (cf. 1.199 note 168).

Apollonius (1.75, 126, 130): famous teacher of rhetoric from Alabanda, in Asia Minor, who taught at Rhodes (late 2nd century BC); visited by Scaevola in 120 BC.

Apollonius Molon: famous teacher of rhetoric who came from Alabanda and taught at Rhodes (active until at least 61 BC); in the 80s he once or twice visited Rome as an envoy, and taught Cicero, whom he again taught at Rhodes in 78/77; a proponent of rhetoric in the quarrel with philosophy (cf. Introduction, p. 8, 22 note 24).

Appennines (3.69): the chain of mountains running down through the center of Italy.

Appius (2.246): identity uncertain: either Appius Claudius, consul in 79 BC, the father of Cicero’s later archenemy Clodius; or Appius Claudius, consul suffectus in 130 (see next entry).

Appius (2.284): probably Appius Claudius Pulcher, consul suffectus in 130 BC; see previous entry.

Appuleian Law (2.107, 201): law carried by the tribune Lucius Appuleius Saturninus (most probably in 103 BC); see Glossary at majesty.

M. Aquillius (2.188, 194–196; cf. 2.124): consul in 101 BC (together with Marius); given a command to put down a slave revolt in Sicily (101–99; see 2.195 note 161); prosecuted for embezzlement in 97 (or somewhat later), but successfully defended by Antonius.

Aratus (1.69): Greek poet from Soli in Cilicia (early 3rd century BC); author of the didactic poem *Phaenomena*, a work on the constellations and weather signs, which Cicero as a young man had translated into Latin.

Arcesilaus (3.67, 80; cf. p. 243): philosopher from Pitane in Asia Minor (315/4–241/40 BC); head of the Academy in the middle of the 3rd century; changed the philosophical orientation of the school to scepticism.

Archimedes (3.132): Greek mathematician and astronomer from Syracuse (ca. 287–212 or 211 BC); famous for his many discoveries and inventions.

- Archytas** (3.139): Pythagorean philosopher, mathematician, politician, and general from Tarentum (active ca. 400–350 BC); friend of Plato.
- Argonauts** (1.174): mythological band of heroes who, under the command of Jason, sailed on the *Argo* (traditionally considered the first ship) in search of the Golden Fleece, which Jason eventually secured with the help of Medea; see also Pelias.
- Aristides** (2.341): early 5th century-BC Athenian general and politician (archon probably in 489/8); rival of Themistocles; often presented as just and upright.
- Aristippus** (3.62): Greek philosopher from Cyrene (ca. 435–366 BC); associate of Socrates; often regarded as the founder of the so-called Cyreniac school of philosophy.
- Aristophanes** (3.132): renowned philologist (ca. 257–ca. 180 BC) from Byzantium; head of the great library at Alexandria from ca. 195.
- Aristotle** (1.43, 49, 55; 2.43, 58, 152, 160; 3.62, 67, 71, 80, 141, 147, 182, 193): Greek philosopher (384–322 BC), pupil of Plato, founder of the Peripatos, tutor of Alexander the Great; wrote many works on philosophy, natural science, poetics, and rhetoric; see also Introduction, pp. 29–32, 34–36, 39.
- Aristoxenus** (3.132): Greek philosopher, biographer, historian, and music theorist from Tarentum (born ca. 370 BC); wrote hundreds of books including many influential works on music and harmonics.
- Asclepiades** (1.62): physician from Prusias in Bithynia, in Asia Minor (dead by 91 BC); very popular and influential in Rome; doctor and friend of Crassus.
- Ti. Claudius Asellus** (2.258, 268): tribune of the plebs in 140 BC.
- Asia** (2.95, 269, 360, 365; 3.43, 75): name applied especially to what is now called Asia Minor, the geographical region corresponding roughly to modern Turkey; much of its western part became the Roman province of Asia in 133 BC.
- Athens** (1.13, 45, 47, 57, 62, 82, 85, 216, 232, 260; 2.3, 56, 155, 299, 360, 365; 3.43, 68, 75, 138, 213): along with Sparta, one of the two most important city-states in ancient Greece; renowned for its extraordinary intellectual and artistic climate, particularly in the 5th century BC; even under Roman domination (from 146 BC onward), it continued to be an important center for philosophical studies and learning in general, and many Romans traveled there for these purposes.
- Atreus** (3.217, 219): in mythology, king of Mycenae; as part of an ongoing quarrel, he butchered the children of his brother Thyestes and fed them to their father. Atreus himself was father of Agamemnon and Menelaus, central characters in Homer's *Iliad*. The myth of Atreus was the basis for many Greek tragedies, and also, e.g., for a Roman one by Accius.

Attica (2.217; 3.42): the geographical area around and including Athens.

L. Aurifex (2.245): unknown outside of *De oratore*.

Balbi (3.78): two adherents of Stoic philosophy. One is the Stoic representative in Cicero's *On the Nature of the Gods*, Q. Lucilius Balbus; he may have been a senator. The other is perhaps the legal expert L. Lucilius Balbus (probably a brother or cousin of Quintus), and may have been propraetor in Asia in 90 BC.

L. Calpurnius Bestia (2.283): consul in 111 BC.

Bithynia (3.229): kingdom in northwest Asia Minor; became part of a Roman province in 74 BC.

Brulla (3.88): unknown outside of *De oratore*.

L. Junius Brutus (1.37; 2.225, cf. 2.199): according to tradition, expelled the last Roman king, Tarquinius Superbus, in 510 BC, and thus founded the Roman Republic.

M. Junius Brutus (2.142, 223–226): outstanding jurist (praetor probably ca. 140 BC); author of a treatise in dialogue form on civil law.

M. Junius Brutus (2.220, 222–226): son of the above; notorious for his prodigality and for his activity as an unscrupulous accuser.

M. Buculeius (1.179): acquaintance of Crassus, unknown outside of *De oratore*.

Byzantium (2.217; 3.132 note 160): famous city on the European side of the Bosphorus (it was renamed Constantinople by Constantine, and today is called Istanbul).

C. Caecilius Statius (2.40, 257; cf. 2.242): Roman comic poet (died in 168 BC).

Q. Servilius Caepio (2.124, 197, 199, 200, 201, 203; cf. 1.225; 2.223): consul in 106 BC, passed a law, supported by Crassus, giving control of the criminal juries to the Senatorial order; in 105, he was largely responsible (by refusing to cooperate with the consul Mallius Maximus in resisting the Germans) for the Romans' disastrous defeat by the Cimbri and Teutoni at Arausio (modern Orange) in southern Gaul; as a result, he was prosecuted for treason in 103 by the tribunes Norbanus and Saturninus.

C. Julius Caesar: the famous, highly ambitious politician (100–44 BC). In 60, he entered into an extremely powerful alliance with his rivals Pompey and the rich Marcus Crassus (the "triumvirate"). With the army that had served under him in Gaul, he invaded Italy in 49 and drew all power toward himself; he was appointed dictator in that year and repeatedly afterward; his absolute rule was resented and in 44 he was killed, as the result of a plot, by Marcus Junius Brutus.

L. Julius Caesar (3.10): consul in 90 BC, censor in 89, brother of the interlocutor C. Julius Caesar Strabo; killed in 87.

C. Julius Caesar Strabo: see Introduction, pp. 14, 15–16.

Caieta (2.22): modern-day Gaeta, on the Italian coast, approximately 80 miles southeast of Rome.

Callimachus (3.132): Greek poet and scholar from Cyrene (ca. 300–ca. 240 BC); produced the *Pinakes* (a catalogue of the Alexandrian library and a bibliography of Greek literature); his sophisticated poetry (hymns, epigrams, etc.) became an important model for Roman poets of the 1st century BC.

Callisthenes (2.58): Greek historian from Olynthus (ca. 370–327 BC); accompanied Alexander the Great on his Asian campaign and wrote a history, glorifying the king's exploits.

Calvinus: see Sextius.

Calvus (2.250): identity is uncertain.

Campus Martius (the Field of Mars) (1.166; 2.84, 253, 257, 287; 3.167): a stretch of land east of the bend in the Tiber, in Republican times still undeveloped, where the Romans gathered for assemblies and elections, sports, recreation, and practice with weapons.

C. **Canis** (2.280): Roman *eques* known for his wit and refinement (late 2nd century BC).

Capitol (2.195; 3.180, 214): the smallest of the hills of Rome, overlooking the Roman Forum; also the name of the famous Temple of Jupiter Optimus Maximus, Juno, and Minerva that was situated there, and which, according to tradition, was dedicated in the first year of the Republic, 509 BC; a sacrifice here was the culmination of a triumphal procession.

C. **Papirius Carbo** (1.40, 154; 2.9, 106, 165, 170; 3.28, 74; cf. 1.121; 2.132, 134, 365): as tribune in 131 BC, he was a supporter of Ti. Gracchus; having changed his political alliance, he later turned against Gaius Gracchus, won the consulship in 120, and successfully defended L. Opimius; in 119 he was prosecuted by the young Crassus and committed suicide in anticipation of, or after, condemnation, apparently because he feared that the death penalty would actually be executed. He was one of the best orators of his generation. Father of the following.

C. **Papirius Carbo Arvina** (3.10): son of the above, and thus an enemy of Crassus; probably tribune of the plebs in 90 BC, praetor ca. 83; killed in 82.

Carneades (1.45, 49; 2.155, 161; 3.68, 71, 80, 147; cf. p. 243): Greek philosopher from Cyrene (214/3–129/8 BC); famous sceptic, and head of the Academy until 137/6; visited Rome in 156/155 as a member of the "philosophers' embassy" (cf. Introduction, p. 21).

Carthage (1.249, 2.75; 3.109): city on the coast of modern northeastern Tunisia, opposite Sicily; a Phoenician colony, later Rome's great rival in

the western Mediterranean, and its adversary in the so-called Punic Wars (264–241, 218–201, and 149–146 BC).

Sp. Carvilius (2.249): identity uncertain, but perhaps Spurius Carvilius Maximus Ruga, consul in 234 and 228 BC, known for his bravery.

Cassandra (2.265): daughter of the Trojan king Priam, priestess of Apollo and prophetess whose prophecies were never believed; she was raped at the altar of Zeus by Ajax, son of Oileus, after the sack of Troy

Castor (2.352): twin brother of Pollux; in one tradition, the two were regarded as sons of Tyndareos, the mythical king of Sparta, and his wife Leda (and called Tyndarides); in another, the sons of Zeus and Leda (and called Dioscuri); in yet another, Castor was Tyndareos' son, Pollux that of Zeus.

M. Porcius Cato (1.171, 215, 227–228; 2.51, 53, 256, 260, 271, 279, 290; 3.56, 135, 165): famous representative of old Roman virtue, known as Censorius, "the Censor" (234–149 BC); consul in 195, censor in 184; wrote on history, law, rhetoric, and agriculture.

M. Porcius Cato Licinianus (2.142): son of the above; eminent jurist.

Q. Lutatius Catulus: see Introduction, pp. 14, 15–16.

C. Centho (2.286): perhaps C. Claudius Centho, consul in 240 BC, or his son of the same name.

Ceos (2.351; 3.128): Greek island, one of the Cyclades, birthplace of the poet Simonides and the sophist Prodicus.

Ceres (3.167): Roman goddess of grain and fruits (commonly identified with the Greek goddess Demeter).

Chalcedon (3.128): city on the Bosphorus, birthplace of the sophist Thrasy-machus.

Charmadas (1.45, 47, 84–93; 2.360; cf. pp. 24, 243): sceptical Academic philosopher (ca. 165–after 102 BC); pupil of Carneades, well known for his oratorical skills and extraordinary memory.

Charybdis (3.163): mythological sea monster (see 3.163 note 207).

Chrysippus (1.50; cf. p. 243): famous Stoic philosopher from Soli in Cilicia (ca. 280–207 BC); head of the Stoa from 232; in his many writings, he systematized Stoic teaching; notorious for his unreadable style.

Chrysis (2.327; cf. 2.172): character in Terence's comedy *Andria*.

L. Tullius Cicero (2.2–3): paternal uncle of Cicero, who accompanied Antonius to the eastern Mediterranean in 102 BC as a member of his personal staff.

M. Tullius Cicero (2.265): Cicero's grandfather.

M. Tullius Cicero (2.1–2): Cicero's father (died in 68 or 64 BC).

- Q. Tullius Cicero** (1.1, 4–5, 23; 2.1–4, 10–11; 3.1, 13–15): Cicero's younger brother and dedicatee of *De oratore* (ca. 102–43 BC); plebeian aedile in 65, praetor in 62; from 61 to 58 governor of the province of Asia; Caesar's legate in Gaul, 54–52.
- Cilicia** (1.82; 2.2): district of southern Asia Minor, notorious for its pirates; organized as a Roman province ca. 80 BC.
- M. Cincius Alimentus** (2.286): tribune of the plebs in 204 BC.
- Claudii** (1.176): a powerful patrician family of Rome.
- Clazomenae** (3.138): city in Asia Minor on the south shore of the Gulf of Smyrna, birthplace of Anaxagoras.
- Clitomachus** (1.45; cf. p. 243): sceptical Academic philosopher from Carthage (187/6–110/09 BC); pupil of Carneades, and head of the Academy from 127/6–110/09.
- Coelius** (2.257): identity uncertain.
- L. Coelius Antipater** (2.54): Roman historian (2nd century BC), who wrote a history of the Second Punic War of 218–201.
- C. Coelius Caldus** (1.117): tribune in 107 or 106 BC, consul in 94; later a partisan of Marius.
- M. Junius Congus** (1.256): older contemporary of Cicero (died before 54 BC); known for his encyclopaedic knowledge on antiquarian questions.
- Conon** (3.139): Athenian general (ca. 445–ca. 390 BC), father of Timotheus.
- M. Coponius** (1.180; 2.140–141): plaintiff in the celebrated inheritance case against M'. Curius (see 1.180 note 141).
- Corax** (1.91; 3.81): reputed to have been the first teacher of rhetoric (mid-5th century BC), from Syracuse; traditionally regarded as the teacher of Tisias.
- Corinth** (2.262): Greek city lying near the isthmus that links central Greece to the Peloponnese.
- Cornelia** (1.38 note 31; 3.214 with note 299): daughter of Scipio Africanus the Elder, mother of Ti. and C. Gracchus; famous for her culture, and for her devotion to giving her sons a literary and cultural education.
- Cornelius**: see also Lentulus and Scipio.
- P. Cornelius Rufinus** (2.268): consul in 290 and 277 BC, dictator sometime between 289 and 285.
- Ti. Coruncanius** (3.56, 134): consul in 280 BC, dictator in 246 (died in 243); first plebeian chief priest in 254; famous as a jurist and as an authority on religion.
- Cos** (3.132): island off the southwest coast of Asia Minor, birthplace of Hippocrates.

Cossus (2.98): the brothers bearing this name probably belonged to the family of the Cornelii; they are mentioned only in this passage.

C. Aurelius Cotta: see Introduction, pp. 13–15.

L. Aurelius Cotta (2.197; 3.42, 46): tribune of the plebs in 103 BC, praetor ca. 95; in 103, together with his colleague Didius, he tried to veto the bill proposing the punishment of Caepio.

Crannon (2.352): Greek city located in the hills between the east and west plains of Thessaly (in northern Greece).

Crantor (3.67; cf. p. 243): Academic philosopher from Soli in Cilicia (ca. 335–ca. 275 BC); pupil of Xenocrates; unlike Polemo, with whom he is often coupled, probably never head of the Academy.

L. Licinius Crassus: see Introduction, pp. 13, 14.

M. Licinius Crassus (1.166): praetor in 127 or 126 BC; nicknamed *Agelastus*, i.e., “Gloomy,” “Laughless.”

P. Licinius Crassus (3.10): relative of Crassus the interlocutor; consul in 97 BC, censor in 89; committed suicide to escape the “purge” in 87.

P. Licinius Crassus Dives (3.134): prominent and rich public figure of the late 3rd century BC; chief priest from 212, consul in 205.

P. Licinius Crassus Dives Mucianus (1.170, 216, 239–240): consul in 131 BC, brother of P. Mucius Scaevola (the consul of 133), and father-in-law of C. Sempronius Gracchus; well known as a jurist and orator; he died in 130.

Critias (2.93; 3.139): Athenian orator and politician (ca. 460–403 BC); relative of Plato, associate of Socrates; writer of tragedies and other works; leader of the extremists among the Thirty Tyrants (who ruled Athens in 404–403).

Critolaus (1.45; 2.155, 160; cf. p. 243): from Phaselis, head of the Peripatetic school (mid-2nd century BC); prominent enemy of rhetoric; visited Rome in 156/155 as a member of the “philosophers’ embassy.”

Ctesiphon (3.213): Athenian citizen who in 336 BC proposed a crown as public recognition for Demosthenes for his service to the state (see 3.213 note 298).

C. Scribonius Curio (2.98): born ca. 125/123 BC, tribune of the plebs in 90, consul in 76, son of a man by the same name who was well known for his oratorical skill.

M’. Curius (1.180, 238, 242; 2.24, 140, 141, 221): party in a celebrated inheritance case (see 1.180 note 141).

Cynics (3.62): “the dog-like,” a term used to describe Diogenes of Sinope (ca. 412–ca. 323 BC) and his followers, because of their shamelessness and disregard for all conventions; sometimes regarded as forerunners of the Stoics (see also at Antisthenes; diagram at 3.62).

- Cyrenaics** (3.62): philosophical sect whose characteristic doctrine was that the pleasures of the senses are the chief goal in life; see also Aristippus.
- Damon** (3.132): music theorist from Athens (5th century BC); teacher and adviser of Pericles.
- Decius** (2.253, 277): 2nd century BC; had a reputation for effeminacy; probably to be identified with P. Decius Subulo (see following entry).
- P. Decius Subulo** (2.132, 134, 135): as tribune of the plebs in 120 BC, unsuccessfully prosecuted Opimius, who was responsible for the murder of C. Gracchus; praetor in 115; see previous entry.
- Delphi** (3.129): one of the four great "panhellenic" sanctuaries and the site of the famous oracle to Apollo, situated on the southern slopes of Mount Parnassus, above the Gulf of Corinth.
- Demetrius of Phalerum** (2.95): Athenian politician and orator, also Peripatetic philosopher (pupil of Theophrastus); governor of Athens, 317–307 BC.
- Demochares** (2.95): Athenian orator, historian, and statesman (ca. 360–ca. 275 BC); nephew of Demosthenes.
- Democritus** (1.42, 49; 2.194, 235; 3.56): Greek philosopher from Abdera in Thrace (ca. 460–ca. 370 BC); wide-ranging thinker, though now chiefly known as a proponent of the theory of atoms.
- Demosthenes** (1.58, 88, 89, 260; 2.94, 95; 3.28, 71, 213): most famous of the Greek orators (384–322 BC); vigorous opponent of Philip of Macedon (cf. also 3.213 note 298).
- T. Didius** (2.197): tribune of the plebs in 103 BC, consul in 98; as tribune, together with his colleague L. Cotta, he tried to veto the bill proposing the punishment of Caepio.
- Dinarchus** (2.94): Athenian orator (ca. 360–ca. 290 BC).
- Diodorus** (1.45; cf. p. 243): Peripatetic philosopher from Tyre (late 2nd century BC); pupil of Critolaus, and possibly his successor as head of the Peripatetic school; opponent of rhetoric.
- Diogenes** (2.155, 157, 159, 160; cf. p. 243): Stoic philosopher from Babylon (ca. 240–ca. 150 BC); pupil of Chrysippus, later head of the Stoic school, and teacher of Panaetius; opponent of rhetoric; visited Rome in 156/155 as a member of the "philosophers' embassy."
- Dion of Syracuse** (3.139): born ca. 408 BC, son-in-law and minister of the Syracusan tyrant Dionysius I; brought Plato, whose pupil he was, to Syracuse in 367/6, hoping to convert Dionysius, and was also involved in other attempts at realizing some form of Plato's ideal state; assassinated in 353.
- Dionysius I** (2.57): born ca. 430 BC, tyrant of Syracuse from 405 to 367.

Diphilus (1.136): secretary of Crassus.

Cn. Domitius Ahenobarbus (2.230; cf. 2.45, 227, 242; 3.93): consul in 96, censor with Crassus in 92 BC; during their censorship, the two quarreled, and they resigned without completing their task.

Draco (1.197): Athenian lawgiver, whose law code (probably 621/20 BC) was famous for its severity.

M. Livius Drusus (1.24–25, 97; 3.2): tribune of the plebs in 91 BC (the year of the dialogue of *De oratore*); as such, he was allied with Crassus, Antonius, and other members of the Senate who favored a program including the granting of many of the demands of the Italian allies and the enlarging of the Senate, but who were opposed by the consul Philippus (cf. 3.8 note 9).

M. Duronius (2.274): tribune of the plebs in or shortly before 97 BC; when removed from the Senate by Antonius (as censor), he attempted to gain revenge by charging Antonius with election bribery.

Elis (3.127): a town in the northwest Peloponnese, the birthplace of the sophist Hippias.

Empedocles (1.217): Greek philosopher from Agrigentum on Sicily (ca. 492–ca. 432 BC), who in his didactic poetry developed the theory of the four elements of the universe, earth, air, fire, and water.

Q. Ennius (1.154, 198, 199; 2.156, 222, 276; 3.27, 162; cf. 3.102, 154, 164, 167, 168, 183, 217, 218): renowned poet from Rudiae in Calabria (239–169 BC); author of tragedies; of an epic poem, the *Annales*, on the history of Rome up to his time; and of satire and comedies.

Epaminondas (1.210; 2.341; 3.139): Theban general (died 362 BC); famous for his victories in the battles of Leuctra (371) and Mantinea (362); had a reputation as a noble person; said to have been a pupil of the Pythagorean Lysis.

Ephesus (2.75): city at the mouth of the river Caÿster on the western coast of Asia Minor.

Ephorus (2.57, 94; 3.36): Greek historian from Cyme in Asia Minor (ca. 405–ca. 330 BC); traditionally thought to have been a pupil of Isocrates; author of a thirty-book *History* that treated events not only in Greece but also in the barbarian East.

Epicureans (3.62, 63–64; cf. p. 22): members of the philosophical school founded by **Epicurus** (341–271 BC), known as “The Garden,” since it was located in his gardens, where he and his followers lived an almost ascetic life. Their philosophical position, based on their physics (a theory of atomism), was ethical in purpose, the highest good being pleasure.

Eretrians (3.62): adherents of the philosophical school founded by Menedemus of Eretria (ca. 340–ca. 265 BC); the school disappeared before 200 BC.

- Erillians** (3.62): the disciples of the philosopher Erillus of Carthage (3rd century BC), who was a pupil of Zeno the Stoic; not mentioned as a group outside of *De oratore*.
- Esquiline Gate** (2.276): eastern gate in the Servian Walls of Rome (the city walls during the Republic), from which issued the road to Tibur (the *Via Tiburtina*).
- Euclid** (3.132): Greek mathematician (active ca. 300 BC), whose famous textbook, *Elements*, influenced mathematics even down into modern times.
- Euripides** (3.27; cf. 2.187 note 153): one of the three most famous Greek tragic playwrights (480s–407/06 BC).
- Q. Fabius Maximus (Allobrogicus)** (2.267): consul in 121 BC and (in the same year) victor over the Gallic tribe of the Allobroges.
- Q. Fabius Maximus (Cunctator)** (1.210; 2.273, 290): consul five times between 233 and 209 BC, censor in 230, dictator in 221 and 217; Hannibal's major opponent in the first part of the Second Punic War; received the nickname *Cunctator* ("the Delayer") for the strategy he adopted in refusing to meet Hannibal in the open field; died in 203.
- Q. Fabius Maximus (Eburnus)** (1.121): praetor in 119 BC, and in this capacity, presided over the court in which Crassus charged Carbo; consul in 116.
- Q. Fabius Pictor** (2.51, 53): the earliest Roman historian (ca. 200 BC), who wrote annals in Greek; the historical work written in Latin that is referred to in *De oratore* is probably a later translation of these Greek annals; alternatively, the reference may be to the work of a later annalist, Servius Fabius Pictor.
- C. Fabricius Luscinus** (2.268, 290; 3.56): consul in 282 and 278 BC, censor in 275; admired as a prime example of old Roman morals.
- C. Fannius** (2.270; 3.183): the consul of 122 BC, the son-in-law of Laelius, and a historian all bore this name, but it is unclear whether they were the same person or whether there were two.
- C. Flavius Fimbria** (2.91): consul in 104 BC; his oratory was powerful but somewhat uncultivated.
- M. Fulvius Flaccus** (2.285): supporter of Ti. Gracchus (see 2.285 note 282); consul in 125 BC; killed with C. Gracchus in 121.
- Cn. Flavius** (1.186): secretary of Appius Claudius Caecus (censor in 312 BC); see 1.186 note 150.
- L. Fufius** (1.179; 2.91; 3.50): prosecutor in the case against M'. Aquillius (who was defended by Antonius) in 97 BC or somewhat later; severely criticized in *De oratore* (see 2.91 note 64).

- L. **Furius Philus** (2.154): consul in 136 BC, friend of Scipio Aemilianus and Laelius, whose cultural interests he shared; interlocutor in Cicero's *On the Republic*.
- C. **Sulpicius Galba** (1.239): son of the following.
- Ser. **Sulpicius Galba** (1.40, 58, 227–228, 239–240, 255; 2.9, 263; 3.28): consul in 144 BC; attacked by Scribonius Libo in 149 for treacherous conduct toward the Lusitanians (see further 1.227 with note 197); his oratory was known for its emotional power.
- Gallus** (2.265): unknown outside of *De oratore*.
- C. **Servilius Glaucia** (2.249, 263; 3.164): probably tribune of the plebs in 101 BC and praetor in 100; depicted by Cicero (*Brutus* 224) as an extreme demagogue, but at the same time clever and funny; he was murdered in 100 with Lucius Appuleius Saturninus.
- Gorgias** (1.103; 3.59, 129): from Leontini on Sicily (ca. 485–ca. 380 BC); one of the most famous of the sophists; he concentrated primarily on rhetoric, and was especially famous for his florid style and his claim to be able to speak extempore on any subject. In Plato's dialogue named after him, he defends the rhetorical discipline against Socrates' attacks (see 1.47; 3.122, 129; Introduction, pp. 20, 21–22).
- C. **Sempronius Gracchus** (1.38, 154; 2.106, 132, 169, 269; 3.214, 225–226): tribune of the plebs in 123 and 122 BC; brother of Tiberius Gracchus; talented orator who followed in his brother's footsteps by passing legislation that, among other things, was aimed at relieving the poverty and increasing the power of the plebs; despised by the Senatorial order, he was murdered and beheaded in 121 at the instigation of the consul Opimius, in a riot that ensued after the Senate's first use of the so-called *senatus consultum ultimum* (the "final decree of the Senate," which urged the consuls to take any measures necessary to protect the State).
- Ti. **Sempronius Gracchus** (1.38, 211): father of the above and the following (died in 154 BC); consul in 177 and 163; as censor in 169–168 he checked the growing influence of the lower classes by restricting the registration of freedmen as citizens to the four urban tribes.
- Ti. **Sempronius Gracchus** (1.38; 2.106, 170, 285): son of the above and brother of Gaius Gracchus; as tribune in 133 BC he proposed land reform legislation, which was vehemently opposed by the majority of the Senatorial order; while he was in office, he and some of his followers were taken by surprise on the Capitol and murdered by a mob led by Scipio Nasica Serapio.
- Q. **Granius** (2.244, 253, 281, 282): a *praeco* ("herald": see 2.244 note 212) and friend of Crassus, known for his quick wit.

- M. Marius Gratidianus** (1.178; 2.262; cf. 3.9): son of Gratidius, Cicero's great-uncle, and of a sister of C. Marius; adopted by the latter's brother M. Marius; as tribune of the plebs, prosecuted Catulus in 87 BC (see 3.9 note 12); praetor twice, possibly in 85 and 82; in 82 he was murdered by Catiline, a partisan of Sulla.
- Hannibal** (1.210; 2.75–77): great Carthaginian general (247–183/2 BC), who nearly defeated Rome in the Second Punic War (218–201 BC).
- Hecuba** (3.219): queen of Troy, wife of King Priam.
- Helen** (3.219): daughter of Zeus and Leda; wife of Menelaus of Sparta, she was carried off by Paris to Troy; the Greeks, in turn, mounted an expedition to Troy and fought the famous Trojan War to recover her.
- Hellanicus** (2.53): important Greek mythographer, ethnographer, and chronicler from Lesbos (c. 480–ca. 395 BC).
- Helvius Mancius** (2.266, 274): son of a freedman from Formiae (2nd/1st century BC).
- Hercules** (2.70–71): son of Zeus and Alcmena; ancient painters and sculptors often depicted him wearing a lion's skin and executing one of his famous "labors" (such as the killing of the Hydra).
- Hermagoras**: Greek rhetorician (active ca. 150 BC); very influential, especially because of his status theory (see Introduction, pp. 21, 25, 27–28, 30, 31, 32).
- Hermodorus** (1.62): presumably the Greek architect Hermodorus of Salamis, who built the dockyards at the Campus Martius (second half of the 2nd century BC).
- Herodotus** (2.55): the "Father of History" (as Cicero calls him, *On the Laws* 1.5) from Halicarnassus (ca. 480–ca. 420 BC); travelled widely, and wrote a history of the conflict between the Greeks and the Persians, culminating in the Persian Wars of 490–479, in nine books.
- Hierocles** (2.95): orator from Alabanda in Asia Minor (ca. 100 BC); he and his brother Menecles were considered the best speakers in Asia Minor during the time of Cicero's youth.
- Hippias** (3.127): sophist from Elis in the northern Peloponnese (second half of the 5th century BC); depicted in two of Plato's dialogues; acquired great fame and fortune while travelling and teaching throughout Greece; he claimed expertise in many fields of learning.
- Hippocrates** (3.132): the most renowned Greek physician of antiquity, from the island of Cos (probably second half of the 5th century BC); although the "Hippocratic" corpus of medical writings bears his name, his personal contribution to it was debated even in ancient times.
- Homer** (3.57, 137; cf. 2.154 note 112, 2.314 note 302): Greek bard of prehistoric times, credited with composing the *Iliad* and the *Odyssey*.

Q. Hortensius Hortalus (3.228–230): orator (114–50 BC) who dominated the Roman courts in the 70s BC; consul in 69; made his speaking debut in 95; was defeated in 70 by Cicero, who was prosecuting his friend Verres, but later the two orators collaborated on many important cases.

Hostilius (1.245): Roman jurist who apparently published a collection of legal procedures for inheritance cases; unknown outside of *De oratore*.

C. Hostilius Mancinus (1.181, 238; 2.137): consul in 137 BC; see 1.181 note 146.

Hydra (2.70–71): many-headed mythological creature who grew two new heads every time one was cut off; one of Hercules' labors was to kill the Hydra.

Hyperides (1.58; 2.94; 3.28): one of the best-known Athenian orators and politicians (389–322 BC).

M. Plautius Hypsaesus (1.166–167): consul in 125 BC.

Ionian Sea (3.69): the sea that lies to the west of the Greek mainland and to the southeast of Italy (where there were many Greek cities).

Isocrates (2.10, 57, 94; 3.28, 36, 59, 139, 141, 173; cf. 3.228 note 317; p. 20): well-known Athenian orator/rhetorician (436–338 BC); worked primarily as an educator, and as such was a rival of Plato; portrayed in *De oratore* as a teacher par excellence and a pioneer in the area of rhetorical style, particularly in regard to prose rhythm.

Ithaca (1.196): island off the west coast of Greece, the home of Odysseus.

Junia (2.225): a distant relative of M. Junius Brutus.

Laelia (3.45): daughter of Laelius Sapiens, married to Q. Mucius Scaevola Augur (the interlocutor); mother-in-law of Crassus.

D. Laelius (2.25): unknown outside of *De oratore*.

C. Laelius (Sapiens) (1.35, 58, 211, 215, 255; 2.22, 154, 286, 341; 3.28, 45, 153): consul in 140 BC, acquired a reputation (and the "nickname," or *cognomen*, "Sapiens") for his wisdom and his philosophical education (ca. 190–after 129 BC); friend of Scipio Aemilianus, and father-in-law of Q. Mucius Scaevola Augur; interlocutor in Cicero's *On the Republic* and *On Friendship*.

Largus (2.240): unknown outside of *De oratore*.

Latium (3.43): the area southeast of Rome; "Old Latium" was roughly the area bounded by the rivers Tiber and Anio and the mountains; "Greater Latium" extended further east and south.

Lavernium (2.22): place on the Italian coast, not far from Caieta.

P. Cornelius Lentulus (1.211): leading exponent of the Senatorial order and staunch opponent of the Gracchan land reform policies (born by 206,

died after 121 BC); consul suffectus in 162, and leader of the Senate (*princeps senatus*) from 125.

Leontini (1.103; 3.129): city in Sicily, birthplace of Gorgias.

M. Aemilius Lepidus (2.287, 290): consul in 187 and 175 BC, censor with M. Fulvius Nobilior in 179–178, chief priest from 180; leader of the Senate (*princeps senatus*) from 179 until his death in 153/152.

M. Aemilius Lepidus Porcina (1.40): consul in 137 BC; one of the first great Roman orators.

Liber (3.167): an old Italian god of fertility and especially wine, later identified with Bacchus (or Dionysus), the Greek god of wine and revelry.

Licinius (3.225): freedman who took his name from Licinia, the wife of Gaius Gracchus; had been Gracchus' secretary; later attached himself to Catulus as a client.

P. Licinius Varus (2.250): praetor in 208 BC.

M. Livius Salinator (2.273): consul in 219 and 207 BC; see 2.273 note 268.

C. Lucilius (1.72; 2.25, 253; 3.86, 171): Roman poet, born of a senatorial family (ca. 180–ca. 102 BC); writer of satiric verse in various meters; close friend of many important personalities of his time.

Lucullus (2.284): identity uncertain; possibly L. Licinius Lucullus, praetor in 104 BC. (and father of the well-known general and gourmet Lucullus); in 2.284, however, we may have to read "Lucilius" (though in that case the reference is not to the poet mentioned above).

Lyceum (1.98): gymnasium in Athens, home of the Peripatetic school of philosophy, established by Aristotle ca. 335 BC.

Lycurgus (1.58, 197, 3.56): legendary Spartan lawgiver and traditional founder of classical Sparta's *eunomia* ("good order").

Lycurgus (2.94): Athenian orator and politician (ca. 390–ca. 325 BC).

Lysias (1.231; 2.93; 3.28): famous Athenian orator and speech-writer (logographer), renowned for his mastery of the plain style (459/8 (?)–ca. 380 BC).

Lysippus (3.26): Greek sculptor from Sicyon (active ca. 370–315 BC); especially famous for his portraits of Alexander the Great.

Lysis (3.139): Pythagorean philosopher from Tarentum in southern Italy (ca. 400 BC).

Macedonia (1.45): region in northern Greece, organized as a Roman province in 146 BC

Magius (2.265): unknown outside of *De oratore*.

Mago (1.249): Carthaginian author of a twenty-eight-book work on agriculture (ca. 250 BC); after the fall of Carthage in 146 BC, the Senate commissioned a Latin translation of this work.

Cn. Mallius Maximus (2.125): consul in 105 BC; with Caepio (see there) he suffered a devastating defeat at the hands of the Cimbri and Teutones at Arausio, also losing two sons. Prosecuted for treason in 103, defended by Antonius, he was condemned and exiled.

Mancia: see Helvius.

Mancinus: see Hostilius.

M'. Manilius (1.212, 246; 3.133): consul in 149 BC, an important jurist who wrote, among other things, a collection of formulas governing the sale of goods.

L. Manlius Acidinus Fulvianus (2.260): consul in 179 BC.

Marcelli (1.176): a plebeian branch of the clan of the Claudii; see 1.176 note 136.

M. Claudius Marcellus (1.57): curule aedile in 91 BC; as a young man, in 110, he accompanied Crassus on his return from Asia Minor.

Marius: see also (M. Marius) Gratidianus.

C. Marius (1.66; 2.196, 266; 3.8): famous general and politician (ca. 157–86 BC) from Arpinum, the birthplace of Cicero; consul (extraordinarily) seven times (first in 107 BC); reformed the Roman army and conquered Jugurtha (105), the Teutones (102), and, with Catulus, the Cimbri (101); embroiled in a bloody civil war against Sulla in the early 80s (cf. 3.8–9 notes 11–12).

Mars (3.167): Roman god of war.

Maximus: see Fabius Maximus.

Medea (cf. 3.217): daughter of Aeëtes, king of Aia in Colchis (on the east coast of the Black Sea); helped Jason to secure the Golden Fleece and joined him when he returned to Greece, but was abandoned by him; killed their children in revenge; see also Pelias.

Megarians (3.62): philosophers from Megara, especially well known for their skill in dialectic/logic; sometimes considered as a “school” founded by Euclides of Megara (ca. 450–ca. 380 BC), a pupil of Socrates; this school had disappeared by 250 BC.

C. Memmius (2.240, 264, 267, 283): tribune of the plebs in 111 BC, bitter enemy of the established Senatorial order, especially of the corrupt leaders in the war with Jugurtha; murdered in 100.

Menecles (2.95): orator from Alabanda in Asia Minor, brother of Hierocles (see Hierocles).

Menedemus (1.85, 88): Athenian politician and orator (ca. 100 BC), an acquaintance of Antonius.

C. Caecilius Metellus Caprarius (2.267): consul in 113 BC, censor in 102; the fourth son of Metellus Macedonicus.

- Q. Caecilius Metellus Macedonicus** (1.211, 215): consul in 143 BC, censor in 131; successful general, orator, and politician.
- Q. Caecilius Metellus Numidicus** (2.263, 275; 3.68; cf. 2.167 note 133): elected consul in 109 BC to finish the war against Jugurtha; replaced by Marius in 107; a bitter opponent of the radical politicians Saturninus and Glaucia, he was exiled at their instigation in 100, but returned in glory in 98, largely through the efforts of his son, Metellus Pius; died before 91.
- Q. Caecilius Metellus Pius** (2.167): son of Metellus Numidicus (see above), consul in 80 BC (see 2.167 note 133).
- Metrodorus** (1.45; cf. p. 243): philosopher from Stratonicea in Asia Minor, originally an Epicurean, later a follower of Carneades.
- Metrodorus** (2.360, 365; 3.75): rhetorician from Scepsis in northwestern Asia Minor (ca. 140–71 BC); educated in the Academy, famous for his incredible memory.
- Miletus** (3.137): city on the coast of Asia Minor, birthplace of the philosopher Thales.
- Minerva** (2.73; cf. 2.233 note 202): Roman name for Athena, goddess of wisdom, war, and the crafts; her golden-ivory statue, created by Phidias, stood as the cult statue in the Parthenon of Athens.
- Misenum** (2.60): name of the northern headland of the Bay of Naples and of the adjoining town, where Antonius, like many other Romans, had a villa.
- Mnesarchus** (1.45, 83; cf. p. 243): Stoic philosopher (ca. 165–after 102 BC); pupil of Panaetius.
- L. Mummius** (2.268): consul in 146 BC; as censor in 142, he was a colleague of the younger Scipio (cf. 2.258 note 234).
- P. Mummius** (2.271): unknown outside of *De oratore*.
- Myron** (3.26): sculptor from Eleutherae, later worked in Athens (active ca. 450 BC); he was an innovator in his own time (employing novel stances and paying attention to symmetry), but in Cicero's day he was more often compared with later artists and thus regarded as primitive (*Brutus* 70, 75).
- Naevius** (2.249): perhaps M. Naevius, tribune of the plebs in 184 BC; or perhaps the poet Cn. Naevius (see next entry).
- Cn. Naevius** (3.45; see also previous entry): early Latin poet from Capua (active ca. 235–205 BC); wrote comedies, tragedies, and an epic on the First Punic War (264–241).
- Narbo** (2.223): modern Narbonne, founded ca. 118 BC as a settlement for veterans of the army (cf. 2.223 note 185).

- L. Nasica** (2.260): unknown outside of *De oratore*.
- P. Cornelius Scipio Nasica** (2.276): either the consul of 191 BC, or his son P. Cornelius Scipio Nasica Corculum (see at Scipio).
- Naucrates** (2.94; 3.173): orator from the school of Isocrates, who probably also wrote on rhetorical theory (4th century BC).
- Neoptolemus** (2.156, 257): Pyrrhus, son of Achilles, who received the name Neoptolemus ("Young in War") because he came to Troy at such an early age.
- Neptune** (3.167): Roman god of the sea (corresponding to the Greek god Poseidon).
- Nero** (2.248): probably C. Claudius Nero, consul in 207 BC and censor in 204–203.
- Nicander** (1.69): Hellenistic poet from Colophon (active ca. 130 BC); wrote the didactic poems *Theriaca* (on snakes, related creatures, and venoms) and *Alexipharmaca* (on poisons and antidotes); one of his lost works, *Georgica* ("On Farming") influenced Vergil.
- Nobilior** (2.256): either M. Fulvius Nobilior, consul in 189 BC and censor in 181, or his son Quintus, consul in 153 and censor in 136–135.
- C. Norbanus** (2.89, 107–109, 124, 164, 167, 188, 197–203): as tribune of the plebs (103 BC), he successfully prosecuted Caepio, using force against the intercession of the tribunes Didius and L. Cotta, for which he was subsequently (probably in 95) accused by Sulpicius of "impairing the majesty of the Roman people" (approximately "treason"); he was successfully defended by Antonius (under whom he had served as quaestor in 101); during the civil war period, he obtained the consulship in 83, was defeated by Sulla and Metellus Pius, fled to Rhodes in 82, and there committed suicide.
- Novius** (2.255, 279, 285): early 1st-century-BC writer of so-called Atellan farces (see 2.255 note 223).
- Numa Pompilius** (1.37; 2.154; 3.73, 197): legendary second king of Rome (reign traditionally dated 715–673 BC); credited with great wisdom and with the creation of the basic framework of Roman religion.
- Numantia** (1.181; 2.267): city in Spain; the Numantines defeated the Roman consul Hostilius Mancinus in 137 BC; the city was subsequently captured and destroyed and survivors sold into slavery by Scipio Aemilianus in 133.
- Numerius Furius** (3.87): Roman *eques* and friend of Crassus; unknown outside of *De oratore*.
- Nummius** (2.257): a bribery agent, contemporary with our dialogue.
- Cn. Octavius** (1.166–167): consul in 128 BC.

- Odysseus** (Ulixes in Latin; 1.196; 3.69, 162): Greek hero of the Trojan War, known for his craftiness and cunning; after the war, which had lasted ten years, he wandered for an additional ten years, experiencing many adventures before finding his way back to Ithaca.
- Olympia** (3.127): "panhellenic" sanctuary of Zeus, located in the western Peloponnese, the site of the Olympic Games in antiquity.
- L. Opimius** (2.106, 132, 134, 165, 169, 170; cf. 2.269 note 264): consul in 121 BC; son of Q. Opimius (see following entry); responsible for the murder of Gaius Gracchus, he was prosecuted in 120 by P. Decius, but successfully defended by C. Papirius Carbo, on the grounds that the Senate had decreed that he should defend the State and that Gracchus' death indeed saved the State. This case was of special interest to Cicero because of its resemblance to his own situation after the execution of the Catilinarian conspirators in 63 (see Introduction, pp. 8–9).
- Q. Opimius** (2.277): consul in 154 BC; father of the preceding.
- M. Pacuvius** (1.246; 2.155, 187, 193; 3.27; cf. 3.157, 167, 217, 219): Roman tragic poet from Brundisium (220–ca. 130 BC); nephew and pupil of Ennius; his plays were for the most part based on Greek examples.
- Pamphilus** (3.81): Greek rhetorician (late [?] 2nd century BC); see 3.81 note 101.
- Panaetius** (1.45, 75; 3.78, 87; cf. 2.154 note 114; p. 243): Stoic philosopher from Rhodes, head of the Stoic school from 129 BC and an opponent of rhetoric (ca. 185–before 110); influenced the intellectual climate in Rome through his association with friends such as Scipio Aemilianus and Laelius; he was less rigid and more open to the thought of Plato and Aristotle than were most Stoics.
- Paris** (3.219): in mythology, son of the Trojan king Priam; his abduction of Helen was the cause of the Trojan War.
- L. Aemilius Paullus** (2.272): consul in 182 and 168 BC, censor in 164; defeated Perseus of Macedon at the Battle of Pydna in 168; father of Scipio Aemilianus.
- Peleus** (3.57): father of Achilles.
- Pelias** (3.217): uncle of Jason who had usurped the throne of Iolcos and withheld it from his nephew after his return with the Golden Fleece; killed by his own daughters, who cut him into pieces, having been told by Jason and Medea that Medea could rejuvenate him by boiling.
- Pericles** (1.216; 2.93; 3.59, 71, 138): Athenian statesman and gifted orator (ca. 495–429 BC); led Athens to its highest levels of military might and literary and artistic culture.
- Peripatetics** (1.43, 45, 104, 105; 2.75; 3.62, 67, 109): members of the Peripatos, the philosophical school founded by Aristotle, located in the Lyceum, a

sanctuary dedicated to Apollo outside the city wall of Athens, where there was also a gymnasium (on the name of the school, cf. 3.109 note 131).

M. Perperna (2.262): consul in 92 BC, censor in 86.

C. Persius (2.25): contemporary of the poet Lucilius, known for the (for that time) unusual extent of his learning.

Phalerum (2.95): coastal district of Attica.

Pherecydes (2.53): early historian ("logographer") from Athens (ca. 450 BC); author of a genealogical work.

Phidias (2.73): Athenian sculptor of the Periclean age (active ca. 465–425 BC) who directed the sculpture on the Parthenon; considered by many ancients the greatest Greek sculptor; his golden-ivory statue of Athena (Minerva) in the Parthenon was especially famous.

Philip (2.341; 3.141): king of Macedonia (382–336 BC); father of Alexander the Great.

L. Marcius Philippus (1.24; 2.220, 245, 249, 255, 316; 3.2–4): consul in 91 BC, best orator of his time after Crassus and Antonius; he opposed the program of reform proposed by the tribune Drusus, who was at the time supported by Crassus and his associates.

Philistus (2.57, 94): Sicilian writer of history, imitator of Thucydides (ca. 430–356 BC); in 406/05 he supported the rise to power of Dionysius I, and he served as his adviser and commander; banned (ca. 386) from Syracuse by Dionysius I for personal reasons, he subsequently returned to serve Dionysius II (367–357) as an adviser and admiral.

Philo (1.62): architect (active second half of the 4th century BC); designed, among other things, the famous arsenal in the Piraeus for the Athenians.

Philo (3.110; cf. 3.114 note 142; p. 243): philosopher from Larissa (159/8–84/3 BC); the last undisputed head of the Academy (110/09–84/3); sometime before 91, he introduced rhetorical teaching in the Academy (cf. Introduction, pp. 22–23); he came to Rome in 88, where Catulus and Cicero, among others, heard him lecture.

Philoctetes (3.141): mythological king of Meliboea in Thessaly; on their way to Troy, the Greeks abandoned him on the island of Lemnos, but later they sent for him because of the prophecy that Troy would not fall without him and the bow of Hercules (in his possession); his story was the subject of tragedies by Sophocles (extant) and Euripides (now lost).

Philodemus of Gadara (cf. p. 243): Epicurean philosopher from Gadara in Syria (ca. 110–ca. 35 BC); pupil of Zeno of Sidon in Athens; later moved to Italy, where he was in contact with members of the Nobility and with poets such as Vergil; wrote about rhetoric (cf. Introduction, p. 22).

Philolaus (3.139): Pythagorean philosopher from southern Italy, either from Croton or Tarentum (ca. 470–ca. 390 BC).

Phoenix (3.57): sent to the Trojan War by Achilles' father to accompany and educate his son; in *Iliad* 9, he, Odysseus, and Ajax are sent on an embassy to Achilles to persuade him to return to the war.

Phormio (2.75–77): Peripatetic philosopher (ca. 200 BC), unknown outside of *De oratore*.

Pictor: see Fabius Pictor.

Pinarius (2.266): unknown outside of *De oratore*.

M. Pinarius Rusca (2.261): probably the praetor of 181 BC.

Pisistratus (3.137): tyrant of Athens (ca. 600–528/7 BC); he twice returned after being deposed from power, his second return being accomplished with the help of foreign troops; his reign coincided with a period of prosperity; his "edition" of Homer mentioned in 3.137 is almost certainly unhistorical.

Piso (2.265): probably L. Calpurnius Piso Caesoninus, consul in 112 BC.

Piso (2.285): identity uncertain; possibly the same as the preceding.

L. Calpurnius Piso Frugi (2.51, 53): consul in 133 BC, censor in 120–119; author of an historical work, the *Annales*.

M. Pupius Piso Frugi Calpurnianus (1.104): born in 114/113 BC, consul in 61; Cicero presents him as spokesman for the view of Antiochus of Ascalon in the fifth book of *On the Highest Good and the Highest Evil*.

Pittacus (3.56): lawgiver and statesman from Mytilene on Lesbos (ca. 650–ca. 570 BC), one of the Seven Wise Men.

C. Plancus (2.220): unknown outside of *De oratore*.

Plato (1.28, 47, 49, 89, 217, 224, 230; 2.194; 3.15, 21, 60, 62, 67, 129, 139; cf. 1.57 note 47; 3.55 note 64, 59 note 70, 122, 228 note 317): Athenian philosopher (ca. 429–347 BC) and founder of the Academy; teacher of Aristotle; wrote philosophical dialogues in which his master and great model Socrates is most often the chief interlocutor; generally very critical of rhetoric; see also Introduction, pp. 20, 21–22, 23–24.

Plautus (3.45; cf. 2.39): early writer of Roman comedy, born in Umbria (ca. 250–184 BC); his plays were still performed in the 1st century BC.

Polemo (3.67; cf. p. 243): Athenian philosopher, head of the Academy from ca. 314 to ca. 270 BC.

Pollux: see at Castor.

Polybius (2.154 note 114): Greek historian of Rome (ca. 200–ca. 118 BC); came to Rome as a hostage, but there became the friend of Scipio Aemilianus and other prominent Romans.

Polyclitus (2.70; 3.26): Greek sculptor from Argos (active ca. 430 BC); created a "canon" for physical proportions; famous works include the Doryphorus and Diadumenos; his statue of Heracles fighting the Hydra is lost.

Polydorus (3.219): youngest son of Priam and Hecuba.

Sex. Pompeius (1.67; 3.78): contemporary of the interlocutors; adherent of Stoic philosophy, and also esteemed for his mathematical and legal knowledge.

Pompeius Phrygio (2.283): unknown outside of *De oratore*.

Q. Pompeius Rufus (1.168): praetor in 91 BC, consul with Sulla in 88.

Cn. Pomponius (3.50): contemporary of Sulpicius and Cotta (born ca. 124/123 BC); perhaps tribune of the plebs in 90.

Pomptine Marshes (2.290): swampy, malaria-stricken area about 40 miles southeast of Rome.

Pontidius (2.275): unknown outside of *De oratore*.

Popilia (2.44): mother of the interlocutors Catulus (son of Q. Lutatius Catulus) and Caesar (son of L. Julius Caesar); cf. 2.44 with note 29.

Posidonius (1.9 note 9): influential Greek Stoic philosopher, scientist, and historian (ca. 135–ca. 51 BC); opposed rhetoric. (Introduction, pp. 8, 22 note 24.)

Priam (3.102, 217; cf. 2.265 note 251): mythological king of Troy, killed by Neoptolemus while taking refuge at an altar of Zeus during the sack of the city by the Greeks.

Privernum (2.224): city in Latium, about 50 miles southeast of Rome; several Romans had country estates there.

Prodicus (3.128): Greek sophist from the island of Ceos, contemporary of Socrates (second half of the 5th century BC); taught rhetoric, but also concerned himself with natural philosophy, ethics, and the history of human culture.

Protagoras (3.128): the most famous of the sophists, from Abdera in Thrace (ca. 490–ca. 420 BC); best known for his dictum, "Man is the measure of all things"; taught the "art" of politics and citizenship, including rhetoric.

C. Publicius (2.271): perhaps C. Publicius Bibulus, tribune of the plebs in 209 BC.

Pyrgi (2.287): town located about 30 miles northwest of Rome.

Pyrrhonians (3.62): followers of Pyrrho of Elis (ca. 365–ca. 275 BC), who is best known to us as a sceptic but in Cicero's time was chiefly regarded as an ethical philosopher, whose doctrines had become extinct long before.

- Pythagoras** (2.154; 3.56, 139): early Greek thinker from Samos (second half of the 6th century BC); migrated to Croton (in the "toe" of Italy) ca. 530, where he founded a philosophical sect whose cosmology was based largely on numbers (see next entry).
- Pythagoreans** (1.42; 2.154; 3.139): followers of Pythagoras.
- Rex** (2.125): probably Q. Marcius Rex, the consul of 118 BC; the trial mentioned in 2.125, in which he was defended by Antonius, is otherwise unknown.
- Romulus** (1.37): mythical founder and first king of Rome, who along with his twin brother Remus was exposed and then suckled by a she-wolf; he peopled his newly founded city by offering asylum to all refugees, and then the men acquired wives by stealing the daughters of the Sabines.
- Q. Roscius** (1.124, 129–130, 132, 251, 254, 258; 2.233, 242; 3.102, 221): most famous actor of his time (died an old man, shortly before 62 BC); an acquaintance of some of the interlocutors and of Cicero, who defended him in a private suit.
- Rudini** (3.168): inhabitants of Rudiae in Calabria, the birthplace of Ennius.
- P. Rutilius** (1.181): tribune of the plebs in 136 BC.
- P. Rutilius Rufus** (1.227–230; 2.280): born ca. 160 BC, consul in 105; pupil of Panaetius and a dedicated Stoic; charged in 92 with extortion in the province of Asia (where he had been legate in 98/97), he was convicted and went into exile at Smyrna (cf. 1.229 note 200); Cicero met him there in 78.
- Sabines** (1.37): people of ancient Italy, living in an area northeast of Rome; in legend, their daughters were abducted by the first Romans under Romulus.
- Salamis** (2.193): island in the Saronic Gulf, southwest of Athens; Telamon was its king.
- Salii** (3.197): college of Roman priests (see 3.197 note 269).
- Samnites** (2.325; 3.86; cf. 2.316): a type of gladiator, named after the Italic tribe of the Samnites, probably because the gladiatorial games originated with them.
- L. Appuleius Saturninus**: radical tribune of the plebs in 103 and 100 BC; see at Appuleian Law.
- Scaevola family** (2.144; cf. 1.39): members of this family are often mentioned in *De oratore*; many of them were eminent jurists.
- P. Mucius Scaevola** (1.166–167, 170, 212, 217, 240, 242, 244; 2.52, 285): consul in 133 BC; opponent of Scipio Aemilianus and adviser of Tiberius Grac-

chus; famous jurist, cousin of Q. Mucius Scaevola "Augur," and father of the following.

Q. Mucius Scaevola ("the Augur"): see Introduction, pp. 14, 15.

Q. Mucius Scaevola ("the Pontifex") (1.170, 180, 229, 243, 244; 2.24, 220, 221–222; 3.10; cf. 2.224 note 188): consul in 95 BC; he held most magistracies as a colleague of Crassus (the interlocutor), against whom he spoke in the celebrated *causa Curiana*, in which he upheld the strict wording of a will; proconsul in Asia (probably in 98 or 97); chief priest from ca. 89; he was well known for his knowledge of the law, and was the author of the first systematic treatise on civil law; he was murdered in 82.

M. Aemilius Scaurus (1.214; 2.197, 203, 257, 265, 280, 283): born 162/161 BC, consul in 115, censor in 109–108; leader of the Senate (*princeps senatus*) and champion of the Senatorial order.

Scepsis (2.360, 365): city in northwestern Asia Minor, the birthplace of the rhetorician Metrodorus.

P. Cornelius Scipio Aemilianus Africanus (Minor, "the Younger") (1.211, 215, 255; 2.22, 106, 154, 170, 253, 258, 267, 268, 270, 272, 341; 3.28, 56, 87, 164): renowned general and politician (185–129 BC); consul in 147 and 134; son of L. Aemilius Paullus, and adopted by a son of Scipio Africanus the Elder; victor over Carthage in 146, and conqueror of Numantia in 133; admirer of Greek learning.

P. Cornelius Scipio Africanus (Maior, "the Elder") (1.38, 210; 2.249, 250, 262): renowned general (236–184 BC); consul in 205 and 194, censor in 199–198; conquered Hannibal in the Second Punic War (fought 218–201).

L. Cornelius Scipio Asiagenus (2.280): brother of Scipio Africanus the Elder, probably praetor in Sicily in 193 BC; consul in 190.

M. Cornelius Scipio Maluginensis (2.260): probably praetor in 176 BC.

P. Cornelius Scipio Nasica (3.8, 134): Crassus' son-in-law, victim of one of the trials in 90–89 BC (see 3.8 note 10).

P. Cornelius Scipio Nasica Corculum (3.134): consul in 162 and 155 BC, censor in 159–158; the great-grandfather of Crassus' son-in-law; see also at Nasica.

P. Cornelius Scipio Nasica Serapio (2.285): consul in 138 BC; in 133, he took the lead in using force against the tribune Tiberius Gracchus (who was his cousin), which resulted in Tiberius' murder.

Scopas (2.352–353): leading aristocrat in Thessaly (end of 6th century BC).

L. Scribonius Libo (1.227; 2.263): tribune of the plebs in 149 BC, who attempted to institute a special investigation against Galba (1.227); on another occasion he was Galba's adversary in a civil case (2.263).

- A. and M. **Sempronius Musca** (2.247): contemporaries of the interlocutors, unknown outside of *De oratore*.
- L. **Septumuleius** (2.269): murderer of Gaius Gracchus, from Anagnia (a town about 40 miles southeast of Rome).
- C. **Sergius Orata** (1.178): enterprising businessman, perhaps one of the first to profit through business ventures from the influx of riches into Rome; he developed oyster-beds in the Lucrine Lake near Baiae; defended by Crassus in a civil case against Gratidianus in the 90s BC.
- M. **Servilius** (2.261): perhaps M. Servilius Pulex Geminus, consul in 202 BC.
- Seven Wise Men** (3.137; cf. 3.56): seven men who lived ca. 600 BC, traditionally regarded as the embodiment of early "Wisdom" (which could imply cleverness, political sagacity, poetical skill, wisdom, etc.); see 3.56 note 65.
- C. **Sextius Calvinus** (2.246, 249): a friend of Caesar (the interlocutor); perhaps quaestor in 111 BC and praetor ca. 92.
- Sicyon** (1.231): city in the northern Peloponnese.
- Sidon** (3.194): city on the coast of Phoenicia, birthplace of the poet Antipater.
- Silus** (2.285): perhaps Lucius Sergius Silus (the father of Catiline, the conspirator of 63 BC), or his brother, Marcus Sergius Silus (quaestor ca. 94 BC).
- Simonides** (2.351–354, 357; cf. 2.299 note 292): Greek lyric poet from the island of Ceos (traditionally dated 557/6–468 BC); worked in Athens, Thesaly, and Sicily; one of the first poets to make his livelihood from his poetry; credited with the invention of the "art of memory."
- Socrates** (1.28, 42, 63, 204, 231–233; 2.58, 270; 3.15, 60–62, 67, 72–73, 122, 129, 139): Athenian sage and public figure (469–399 BC); his character and thoughts were portrayed most vividly by Plato, one of his many followers (but also by others, such as Xenophon); hero and model for most of the philosophical schools of Cicero's time; see Introduction, p. 20.
- Solon** (1.58, 197; 3.56): Athenian statesman and poet (ca. 640–ca. 560 BC); in 594/3 he was archon (the most important official in Athens), and was given a mandate by the Athenians to reform the state; thus he is famous chiefly as a lawgiver; one of the Seven Wise Men.
- Sophocles** (3.27): one of the three most famous Athenian tragic playwrights (born 497/6 or 496/5, died 406 or 405 BC).
- Sora** (3.43): town in (Greater) Latium, about 60 miles east of Rome, and near Cicero's birthplace, Arpinum.
- Speusippus** (3.67; cf. p. 243): nephew of Plato (410/408–340/39 BC); his successor as head of the Academy, from 348/7 until 340/39.

Staseas (1.104–105): Peripatetic philosopher from Naples (Neapolis), teacher of M. Pupius Piso, in whose house he lived for many years (already by the dramatic date of *De oratore*, 91 BC).

Stoics (1.43, 230; 2.159; 3.62, 65–66, 78; cf. p. 24): members of the Stoa, philosophical school founded by Zeno of Citium (ca. 300 BC), named for their meeting place in Athens, the Stoa Poikile (the “Painted Porch”); their teachings were marked by attention to logic and by rigorous moral and ethical standards (see also especially at Panaetius).

L. Cornelius Sulla (Felix) (cf. 1.3 note 3, 228 note 199; 3.8–12 notes 11, 16, 19–20): successful general (ca. 138–79 BC); played a dominant part in the unrest of the 80s; victorious in the civil war in 82, he restored order in Rome through a relentless and cruel regime; in 82–81 he enacted numerous laws that reformed the courts, the composition of the Senate, the magistracies, etc. (cf. Introduction, p. 8).

C. Sulpicius Galus (1.228): consul in 166 BC, he celebrated a triumph against the Ligurians; died shortly before 149.

Q. Sulpicius Galus (1.228): son of the above.

P. Sulpicius Rufus: see Introduction, pp. 13–15.

Syrtris (3.163): dangerous shoals off the coast of North Africa.

Tarentum (2.273; 3.139): Greek city dominating the Gulf of Tarentum in southern Italy.

Tarracina (2.240): coastal city on the Via Appia in Latium, ca. 60 miles south-east of Rome.

Tauriscus (3.221): unknown apart from the reference in *De oratore*.

Telamon (2.193; cf. 3.217): in mythology, king of Salamis and brother of Peleus; father of Ajax and Teucer.

Terentius Vespa (2.253): contemporary of the interlocutors; unknown outside of *De oratore*.

Teucer (1.246; 2.193; cf. 3.217): son of Telamon, brother of Ajax; subject of a tragedy by Pacuvius (cf. 2.193 note 158).

Thales (3.137): natural philosopher from Miletus (early 6th century BC); famous, among other things, for his prediction of the solar eclipse of 585, but regarded by some as the typical impractical thinker; one of the Seven Wise Men.

Themistocles (2.299–300, 341, 351; 3.59): Athenian statesman and general (ca. 524–ca. 459 BC); credited with convincing the Athenians to invest their resources and energies in becoming a sea power; in 480, he commanded the Athenian contingent of the Greek fleet at the battle of Salamis against the Persian invaders; known for his quick intellect and prodigious memory.

- Theophrastus** (1.43, 49, 55; 3.184–185, 221; cf. p. 243): Greek philosopher from Eresus on Lesbos (ca. 371–288/286 BC); pupil of Aristotle and his successor as head of the Peripatetic school; author of many scientific, philosophical, and rhetorical works; see Introduction, pp. 30–31, 35–36, 37–38, 39.
- Theopompus** (2.57, 94; 3.36): Greek historian from Chios (378/7–ca. 320 BC); traditionally considered a pupil of Isocrates; wrote several historical works, including a *Hellenica* (a continuation of Thucydides' history) and a *History of Philip of Macedon*.
- Theramenes** (2.93; 3.59): Athenian politician, moderate member of the Thirty Tyrants who ruled Athens in 404–403 BC; the extremists (led by Critias) had him executed.
- Thessaly** (2.352): region in northern Greece.
- Thorian Law** (2.284): law concerning the use of public lands for pasture; see 2.284 note 280.
- Thrasymachus** (3.59, 128): Greek sophist from Chalcedon (active ca. 430–400 BC); best known as an interlocutor in Plato's *Republic*; important in rhetoric for his attention to prose rhythm and elaboration of emotional appeal; also seems to have occupied himself with ethics; Cicero's contention that he wrote a natural philosophy is not supported by other extant evidence.
- Thucydides** (2.56–57, 93): Athenian historian (ca. 460–ca. 400 BC), who wrote a history of the Peloponnesian War (431–404) up to the winter of 411/10; famous for his uncompromising analyses and idiosyncratic style.
- Thyestes** (3.219; cf. 3.164 note 208, 217 note 302): in mythology, the brother of Atreus (see at Atreus).
- Tibur** (2.224, 263): an old town in Latium on the Anio river, about 15 miles east of Rome (modern-day Tivoli); a favorite resort for rich Romans.
- Timaeus** (2.58): Greek historian from Tauromenium on Sicily (ca. 350–ca. 260 BC); known for his florid style.
- Timotheus** (3.139): Athenian politician and general (first half of 4th century BC); associated with Plato and Isocrates; died in exile shortly after 355.
- Tisias** (1.91): from Syracuse, one of the first rhetoricians (mid-5th century BC); traditionally considered the pupil of Corax.
- Sex. Titius** (2.48, 253, 265; 3.88): radical tribune of the plebs in 99 BC, whose policies were opposed by Antonius who was then consul; probably tried and convicted (in 98) for "impairing the majesty of the Roman people" (approximately "treason"), on which occasion Antonius gave testimony against him; an avid ball-player; as an orator, known for his clownish delivery.
- Troy** (2.257): city in northwestern Asia Minor, about 4 miles from the Aegean coast; site of the Trojan War.

- Q. Aelius Tubero** (2.341; 3.87): born between 168 and 163 BC; nephew of Scipio Aemilianus; pupil of Panaetius, and a noted and rigid Stoic; interlocutor in Cicero's *On the Republic*.
- Ser. Tullius** (1.37): traditionally, the sixth king of Rome, whose reign is conventionally dated 578–535 BC; he was credited with fundamental reorganizations of the Roman State.
- Tusculum** (1.24, 27, 98, 224, 265; 2.13; 3.121): town located 15 miles southeast of Rome, where many Romans owned country estates; the dialogue of *De oratore* takes place in Crassus' Tusculan villa.
- Tyndarides** (2.352): the sons of Tyndareos; see at Castor.
- Tyrrhenian Sea** (3.69): the sea bordering Italy on the west.
- Valerius** (3.86): an actor, unknown outside of *De oratore*.
- Q. Valerius** (3.43): an approximate contemporary of the interlocutors, from Sora in Latium, known for his learning.
- Vargulla** (2.244, 247): known only from *De oratore*; had a coarse sense of humor.
- Q. Varius (Severus) Hybrida** (1.117): contemporary of Sulpicius and Cotta (born ca. 124/123 BC); as tribune of the plebs in 90, he passed a law setting up a special court, with jurors drawn exclusively from the *equites*, which subsequently tried several of the supporters of Drusus, including Cotta who was exiled (3.11; cf. 3.8 note 9); in 89 he was convicted under his own law, and he died in exile.
- C. Velleius** (3.78): friend of Crassus and a well-known representative of Epicurean philosophy in Rome; he is the Epicurean spokesman in Cicero's *On the Nature of the Gods*.
- Q. Velocius** (3.86): unknown outside of *De oratore* (died before 91 BC).
- Vesta** (3.10): Roman goddess of the (hearth-)fire, whose temple stood in the Roman Forum; her statue may have stood in front of this temple.
- M. Vigellius** (3.78): a friend of Crassus (died before 91 BC); an associate of Panaetius and a Stoic; mentioned only in *De oratore*.
- Xenocrates** (3.62, 67): Greek Academic philosopher from Chalcedon (396/5–314/3 BC); pupil of Plato, head of the Academy from 339/8 to 314/3.
- Xenophanes** (3.20 note 29): early Greek philosopher (6th/5th century BC); in antiquity, reckoned to have been the founder of "Eleatic" philosophy.
- Xenophon** (2.58, 3.139): Athenian general and writer (ca. 430–after 355 BC); his many writings include historical works such as the *Hellenica* (a continuation of Thucydides' history of Greece, covering the period from 411 to 362); his *Socratic Memoirs* portray Socrates, with whom he had asso-

ciated; his *Agesilaus* is an encomium of this Spartan king, with whom he had been closely acquainted.

Zeno of Citium (cf. p. 243): Greek philosopher, founder of the Stoa (ca. 300 BC).

Zeno of Sidon (cf. p. 243): Epicurean philosopher (ca. 150–ca. 70 BC); head of the Epicurean school when Cicero visited Athens in 79–78; teacher of Philodemus of Gadara (cf. Introduction, p. 22).

Zethus (2.155): character in Euripides' tragedy *Antiope* and in Pacuvius' tragedy of the same name; see 2.155 note 116.

Zeuxis (3.26): Greek painter from Heraclea (active ca. 435–390 BC).

General Index

This (necessarily selective) index must be used in conjunction with the **Glossary** (pp. 320–331) and the **Index of Names and Places** (pp. 332–362); for important terms and for names, the reader is encouraged to consult these first. Headings followed by (G) indicate terms that are also found in the Glossary.

All figures of speech and thought mentioned in Appendix B (pp. 301–306) are included, but only once, under their most usual Latin names.

References to our Introduction and Appendix B are given by page numbers; references to the translation proper by book and section number.

- Abusio*. See Catachresis
- Academy
 grove of, 3.18 n.
 habit of opposing all others, 1.84, 3.145. and n.
 opposition to rhetoric, 21–22, 1.45–47, 1.84–93
- Account books, 2.97 and n., 2.280 and n., 2.281 and n.
- Active and contemplative life, 3.86–89
- Activities of the orator (G), 10, 29–32, 32, 1.64 and n., 1.113 and n., 1.142 and n., 1.145 n., 1.187, 2.79
- Actors/acting, 1.18, 1.118, 1.124–125, 1.128, 1.129–130, 1.156, 1.251–252, 1.254, 1.258–259, 2.34, 2.193–194, 2.233, 3.30 and n., 3.83, 3.102, 3.196, 3.214, 3.217–219, 3.220, 3.221. *See also* Mime
 use of masks, 2.193, 3.221 and n.
- Adaptation of speech to circumstances and audience, 2.186–187, 2.205, 2.304, 3.53, 3.210–212. *See also* Appropriateness; Wit
- Adiunctio*, 303
- Adnominatio*, 303–4
- Affection, 2.206–208
- Ager publicus*. *See* Public land
- Aitiologia*, 305
- Allegory (G), 2.261, 3.166–167 and n., 3.169 and n.
- Allies. *See* Italian Allies
- Altercatio*, 1.17, 2.230, 2.255
- Ambiguity, 2.110–111 and n., 2.250, 2.253–256 (esp. 256), 3.49
- Ambitus* (electoral malpractice), 5, 2.105 and n., 2.257 and n., 2.274, 2.280
- Amplification, 2.312, 2.332, 3.104–105
- Anger, 1.220, 2.72, 2.206, 2.208 and n., 2.337, 3.217
- Annales*, 2.52
- Annales Maximi*, 2.52 and n.
- Anteoccupatio*, 303
- Antiochus of Ascalon, 8, 38
- Antiquarianism, 3.197 n. *See also* Grammar
- Antithesis, 2.263
- Antonius
 (attitude toward) learning, 18, 2.1–6, 2.152–161, 2.362–363, 3.16
 lack of legal knowledge, 1.172–173, 1.248
 “little book” of, 1.94 and n., 1.206 and n., 1.208, 2.8 n., 3.54 and n., 3.189 and n.
 writings of, 2.8 n.
- Antony, Mark, 9
- Apollonius Molon, 8
- Appropriateness (G), 1.132, 1.144 and n., 2.85, 3.31 and n., 3.37, 3.53, 3.91, 3.144, 3.210–212
- Architecture, 3.180
- Arguing both sides of an issue (and/or against every issue), 12, 16, 1.158, 1.263 and n., 2.40, 2.161, 3.67, 3.80, 3.145 and n.

- Argumentation/arguments (G), 30, 32,
2.114–115, 2.117, 2.121,
2.128–145, 2.128–129, 2.215,
2.291–292, 2.308–309, 2.310,
2.312, 2.329, 3.104
as part of speech, 29, 2.331 and n.
treatment (*tractatio*) of, 2.176–177
and n.
- Aristotle, 2.152, 2.160
Rhetoric, 30–31, 1.55, 2.43 n., 2.116 n.,
2.160 and nn., 2.322 n.,
2.336–337 nn., 2.343 n., 3.122
n., 3.182–183 nn.
Cicero's knowledge/use of, 39 and
n., 2.32 and n., 2.72 n., 2.160 n.,
2.322 n., 2.336–337 nn., 2.343
n., 3.159 n., 3.182–183 nn.
on arguing both sides of an issue,
3.80 n.
on ethos, 34–35 and n.
on metaphor, 3.159 n.
Sophistical Refutations, 3.106 n.
Topica, 39 n., 2.152 and n., 2.160 and n.
- Arrangement (G), 31 and n., 1.143,
2.179–180 and n., 2.307–332
"natural" vs. "artificial" order,
2.307–308 and n.
- Art (G), 23–24, 24–25, 27, 1.5 n., 1.8 n.,
1.90–93, 1.96, 1.99, 1.102–113a,
1.114–115, 1.134–146, 1.146,
1.186 and n., 1.246, 2.29, 2.30,
2.32, 2.70, 2.83, 2.119, 2.120,
2.150, 2.356 and n., 3.151,
3.197, 3.212, 3.217. *See also* Wit,
art of
definition of, 1.92 and n., 1.108–109
"Artes liberales," 3.21 n. *See also* "Noble
arts"
- Articulus ("phrase," Greek *komma*),
3.186 n.
- Artistic and nonartistic means of
persuasion. *See* Technical and
nontechnical means of
persuasion
- Assemblies (G), 4
- Assembly of the plebs, 2.199 and n.
- Astronomy, 1.187
- Athens
Attic Greek, 3.42–43
center of learning, 3.42–43
Prytaneum, 1.232 and n.
Roman visits to. *See* Greece
- Atellan farce, 2.255 n. *See also* Index of
Names, Novius
- Atticism, 27 n.
- Augustus, 9
Aversio, 303
- Avoided, things to be (*fugienda*), 1.221
and n., 2.67, 3.116
- Ball playing, 1.73, 1.166 n., 1.217, 2.253,
3.58, 3.88
- Banquet for Jupiter, 3.2 n., 3.73 n.
- Banquet Supervisors (*epulones*), 3.73
and n.
- Banquets, ritual, 3.197. *See also* Banquet
for Jupiter
- Banter (*cavillatio*), 2.218–219
- Baths, 2.223 and n., 2.224 and n.
- Brevitas*, 302
- Bronze and scales, 1.173 n., 1.228 n.
- Buffoon (*scurra*), 2.239, 2.244–247
- Burial. *See* Funeral processions
- Capitol, 2.195
- Catachresis (*abusio*) (G), 3.169
term, 3.169 n.
- Catiline, 8, 1.3 and n.
- Cato
Origines, 1.227 and n.
- Causes, 3.21
- Cavillatio*. *See* Banter
- Censor (G), 2.260 and n., 2.268 and nn.,
2.274 and n., 2.367 and n.,
3.93–94 n.
demotion by, 2.258 and n., 2.260 and
n., 2.268 and n., 2.272 and n.,
2.287 and n.
- Census, 1.183
- Centumviral Court. *See* Council of One
Hundred
- Character. *See* Ethos
- Character of a community, 2.337
- Character evidence, 2.341 and n.
- Charm (in oratory), 1.49, 1.130, 1.142,
2.98, 3.28, 3.29, 3.30, 3.60, 3.67,
3.96, 3.101, 3.103, 3.138 and
n., 3.171, 3.199, 3.200
- Charmadas, 38
- Cicero
and Academic philosophy, 7, 9
approach to philosophy, 12
attitude toward Plato, 24, 25
consulship and aftermath, 8–9, 1.1
and n., 1.3 and n., 3.58 n.
daughter Tullia, 9
De oratore
compositional technique, 18–19, 19,
1.22 n., 3.89 n.
of third book, 37

- dialogue form, 3, 10–11, 13–18
 role of Crassus and Antonius in, 10–11, 13, 16
 historicity of, 17–18
 literary character and style, 41
 manuscripts. *See* texts and manuscripts
 quotations of Latin poets in, 41 n.
 repetitions in, 18, 19
 "rhetorical" form. *See* compositional technique
 setting, 13, 1.24–29
 texts and manuscripts, 42, 50, 307
 title of, 3, 10, 1.118 and n., 3.85 and n.
 as tribute to Crassus et al., 7, 13, 2.7–9, 3.1, 3.13–16
 verbal echoes in, 41 n.
 early career, 8
 exile, 9, 1.3 and n., 3.58 n.
 oratorical practice (ethos, pathos), 35
 and philosophers, 11
 philosophical works of, 9, 17
 position in quarrel between rhetoricians and philosophers, 3, 11, 23, 38, 1.33 n., 3.56 nn.
 tour of Greece by, 8
 and rhetoricians/traditional rhetoric, 3, 10–11, 11, 1.52–54, 2.10, 2.78–84, 2.198, 2.201, 2.310–311 and n., 2.314 n., 2.315 n., 2.326 n., 2.326–330, 3.24 and n., 3.54, 3.75, 3.92–93, 3.103, 3.121, 3.125, 3.188
 alternative to traditional rhetoric, 26–38, 31–32
 Tusculan estate of, 1.98 n.
 works
 Academica, 17
 Against Verres, 8, 2.97 n.
 Brutus, 9, 13, 15, 17, 18, 27 n., 37, 1.89 n., 1.117 n., 1.132 n., 1.154 n., 1.170 n., 1.180 nn., 1.186 n., 1.193 n., 1.230 n., 2.88 n., 2.91 n., 2.93 n., 2.158 n., 2.364 n., 3.50 n.
 De oratore. *See* above
 Divinatio against Caecilius, 1.121 n.
 In defense of Archias, 2.194 n., 3.21 n.
 In defense of Balbus, 1.182 n.
 In defense of Caecina, 1.180 n.
 In defense of Cluentius, 1.121 n., 2.8 n., 2.30 n.
 In defense of King Deiotarius, 1.121 n.
 In defense of Murena, 2.105 n., 2.341 n.
 In defense of Roscius from Ameria, 8
 Letters to Atticus, 15, 17 n., 39, 1.153 n.
 Letters to Friends, 17, 17 n., 39
 Lucullus (= "*Academica 2*"), 3.20 n.
 On Divination, 2.194 n., 3.20 n.
 On Duties, 1.178 n., 2.91 n., 2.334 n., 2.335 n.
 On the Highest Good and the Highest Evil, 1.222 n., 2.154 n., 3.62 nn.
 On his own consulship (poem), 3.167 n.
 On Invention, 3, 7, 7 n., 11–12, 31, 32, 1.5 and n., 1.94 n., 1.138 n., 2.43 n., 2.80 n., 2.177 n., 2.315 n., 3.61 n., 3.106 n.
 On the Laws, 1.28 n., 1.199 n.
 On the Nature of the Gods, 3.145 n., 3.178 n., 3.179 n.
 On Pompey's Command, 1.60 n.
 On Reducing the Civil Law to an Art, 1.186 n.
 On the Republic, 17 n., 2.10 n., 2.155 n.
 Orator, 9, 17, 27 n., 36, 1.94 n., 2.88 n., 3.169 n., 3.171 n., 3.173 n., 3.177 n., 3.228 n.
 Partitiones oratoriae, 22
 Philippics, 9, 3.186 n.
 Stoic Paradoxes, 3.65 n.
 Topica, 34, 39 n.
 Tusculan Disputations, 1.220 n., 1.222 n.
 youth of, 6–7
Circumscriptio, 306
Circumstances (*circumstantiae*), 2.63 and n.
Citizenship, laws on, 14, 2.257 and n., 3.8 n.
Civic status (*caput*), 5, 1.181–182 and n., 1.182, 1.183, 2.194 n., 3.10
Civil cases, 2.104. *See* also Law, civil procedure of, 1.166 n., 1.173 n., 2.263 n.
Civil wars, 8, 9, 1.3 and n.
Clarity (G), 3.37–38, 3.48–50, 3.52
Clause (Latin *membrum*, Greek *kolon*), 2.359 n., 3.186 and n., 3.190
Clausula, 3.173 n. *See* also Prose rhythm
Client (G), 2.182 and n., 2.259 and n., 2.301
Clown (*sannio*), 2.251
Commendatio, 303

- Commonplaces (G), 18, 34, 1.141, 1.151,
2.118, 2.127 n., 2.130–131,
2.136, 2.145–146 and n., 2.191,
2.203, 2.215, 2.248, 2.262, 2.291,
2.307, 2.312 and n., 2.318,
2.321, 2.324, 2.349, 3.78, 3.106
and n.
abstract (Aristotelian), 34, 2.149,
2.152, 2.162–175, 2.177, 3.80 n.,
3.119 and n.
- Commoratio*, 301
- Communicatio*, 302
- Complexio*, 304
- Conciliatio*, 303
- Conclusio*, 302
- Conclusion (G), 2.310–311 and n., 2.329,
2.332
- Conserere manum*, 1.41 and n.
- Consolation, 28, 2.35, 2.50, 2.64, 3.118,
3.211
- Contemplative life. *See* Active and
contemplative life
- Contentio*, 303
- Continuatum*, 305
- Contrarium*, 304
- Conversio*, 304
- Correctio*, 302, 305
- Cosmology. *See* Natural philosophers;
Physics
- Council of One Hundred (G), 1.173 and
n., 1.175, 1.176, 1.177, 1.180,
1.238, 2.98, 2.220
- Crassus
(attitude toward) learning, 18, 2.1–6,
3.16
censorship of, 2.45 n., 3.93–94 and n.
paralleled with Socrates, 3.6 and n.,
3.15, 3.17 and n.
Speech against Cn. Domitius
Ahenobarbus, 2.45 and n.,
2.227, 2.242 and n.
Speech in defense of Gaius Plancius,
2.220 and n.
Speech on colony of Narbo, 2.223
and n.
Speech on Servilian Law, 2.223 and n.
writings of, 2.8 and n.
- Declinatio*, 304
- Declinatio a proposito*, 303
- Deliberative oratory (G), 27–28, 2.104,
2.105, 2.333–340, 3.109, 3.122,
3.211
- Delivery (G), 1.18, 1.114–115, 1.127–128,
1.131–132, 1.156, 2.213,
1.251–252, 1.260–261, 2.73, 2.85,
2.184, 2.188 and n., 2.190,
2.219, 2.289, 3.31, 3.32–33, 3.37,
3.41, 3.47, 3.213–227
and emotions, 3.215–216 and n.,
3.217–219, 3.220, 3.221, 3.223
eyes/face, 3.214, 3.216, 3.221–223
gesture, 3.214, 3.216, 3.220
natural to humans, 3.223 and n.
voice, 3.214, 3.216, 3.216–219,
3.224–225, 3.227
- Demonstratio*, 301–302
- Demosthenes, apprenticeship with
Plato, 1.89 and n.
- Demotion. *See* Censor
- Deprecatio*, 303
- Descriptio*, 301, 303
- Dialectic (G), 11, 19, 1.68, 1.128, 1.246,
2.83–84, 3.58
Stoic, 2.157–160
- Dialogue, 3, 2.224 and n. *See also* Cicero,
De oratore
- Dicacitas. *See* Sharp-wittedness
- Dicing, 3.58 and n., 3.88
- Dicta*. *See* Sayings
- Digestio* (*Divisio*), 303
- Digressio*, 302, 306
- Digression(s)* (G), 2.311–312, 2.319
- Diligence, 10, 2.11, 2.99–101, 2.131,
2.148–151, 2.186, 2.192, 2.232,
3.16, 3.39, 3.125, 3.230
- Dinumeratio*, 305
- Diogenes Laertius, 3.62 n.
- Dionysius of Halicarnassus, *Preface to*
On the Ancient Orators, 22
- Disiunctum*, 305
- Dissimulatio*, 302
- Dissipatio*, 305
- Dissolutum*, 304
- Distinction (and related terms) (G at
ornatus), 36, 1.21, 1.50, 2.5,
2.34, 2.36, 2.120, 2.146, 2.312,
2.320, 2.350 and n., 2.366, 3.16
n., 3.23–24, 3.25, 3.37–38, 3.39,
3.53 and n., 3.60, 3.91,
3.96–103, 3.103, 3.115,
3.124–125, 3.141, 3.144,
3.148–209
- Distress, 3.219
- Distributio*, 302
- Dithyramb, 3.185 and n.
- Diiunctio*, 306
- Divisio*, 305
- Division (*divisio*, *partitio*) (G), 2.80 n.
- Division of Carneades, 3.62 n.
- Divorce, 1.183
- Doctors, 1.62, 2.38 and n., 2.186, 3.132

- Documents, 2.100, 2.116, 2.118–119, 2.173
Dubitatio, 302, 305
- Easement, 1.173, 1.178 and n.
- Elections, voting procedure, 2.260 and n.
- Electoral malpractice. *See Ambitus*
- Eleusinian Mysteries, 3.75 and n.
- Eloquence, 1.94–95, 1.133 and n., 2.5, 3.54, 3.143
 derivation of term, 2.366 and n.
 as a virtue, 1.83, 3.54–55 and n., 3.65
- Embassy of philosophers. *See* Philosophers' embassy
- Emotions. *See* Pathos
- Enigma (riddle), 3.167 and n.
- Envy, 2.206, 2.207–208, 2.209–210, 2.216, 2.304, 2.337
- Epicheirema, 2.177 n.
- Epicureans, 22, 1.226 n.
- Epilogue. *See* Conclusion
- Esteem, 2.206
- Ethics, 11, 19, 1.56, 1.67, 1.68–69, 1.85–86, 1.247, 1.194, 2.67 and n., 3.107, 3.122
- Ethos (G), 31–32, 34–35, 1.87 and n., 1.165, 2.114–115, 2.121, 2.128–129, 2.176, 2.178–181, 2.182–184, 2.200, 2.201, 2.291–292, 2.310–311, 3.104
 Cicero's practice in, 35
 handling of, 2.211–216
 term, 34 n.
- Eulogy, 2.44, 2.341 and n. *See also* Laudatory oratory
- Eupolis, *Demoi*, 3.138 n.
- Euripides, *Philoctetes*, 3.141 and n.
- Exclamatio, 305
- Execratio, 303
- Exemplum, 303
- Exercises. *See* Practice
- Exhortation, 2.50, 2.64, 3.118
- Expediency, 2.67, 2.334 and n., 2.335 and n., 3.107
- Expetenda*. *See* Pursued, things to be
- Extenuatio*, 302
- Extortion. *See* *Repetundae*
- Fables, 2.264
- Fasti*, made public, 1.186 and n.
- Fear, 2.206, 2.209 and n., 2.337, 3.218
- Fides* ("sense of obligation, trustworthiness"), 2.367 and nn.
- Figures (G), 3.96, 3.201, 3.202 n., 3.202–209
 of speech, 2.263 and n., 2.357 n., 2.358 and n., 3.206–207
 of speech and thought, defined, 3.201 term, 3.201
 of thought, 3.202–205
- Formulary system, 1.168 n.
- Forum (G), 7
- Freedmen (G), 1.38 and n., 1.176, 1.182
- Fugienda*. *See* Avoided, things to be
- Fullness (G). *See* Distinction
- Funeral orations. *See* Eulogy
- Funeral processions, 2.225 and n., 2.283
- Games, 3.92 and n. *See also* Roman Games
- Geminatio*, 303
- Generalship/military affairs, 1.7–8, 1.60, 1.66, 1.131, 1.210, 2.49, 2.67, 2.75–76, 2.84, 2.124, 2.168 and n., 2.187, 2.195–196, 2.226, 2.293, 2.294 and n., 2.303–304, 2.335, 3.10, 3.135, 3.136, 3.139
- Genres (G), 27–28, 1.22, 1.141, 2.43 n., 2.42–73 (esp. 42–50), 2.65, 3.109, 3.211
- Genus* (Latin for "type, kind"), 1.189 and n., 2.94 n., 2.166–167, 3.26 n.
- Gladiators, 2.84, 2.316 and n., 2.317, 2.325, 3.86 and n., 3.200 and n., 3.220 and n.
- "Good men," 5
- Goodwill, 2.72, 2.216
- Gracchus (Gaius), use of flute-player by, 3.225–227
- Gradatio*, 304
- Grammar(ians) (G), 1.10 and n., 1.44, 1.187, 1.193 n., 1.212, 3.39 and n., 3.42, 3.48, 3.58 n., 3.127, 3.132 and n., 3.197 and n.
- Greece, Roman visits to, 8, 14 (thrice), 17, 18, 1.45–47, 1.57, 1.74–75, 1.82 n., 1.82–93, 2.2–3, 2.360, 2.365, 3.43 n., 3.68, 3.75
- Greek oratorical models, 1.155
- Greek oratory, history, 2.92–95
- Greek(s) and Roman(s) compared, 6, 15–16, 50, 1.14 and n., 1.22–23, 1.47, 1.82, 1.102–105, 1.197, 1.221, 1.253, 2.2–4, 2.13, 2.14 n., 2.17 n., 2.18–21, 2.28, 2.41, 2.51, 2.53, 2.59–61, 2.75–77, 2.152–156, 2.265, 2.288, 2.323, 3.56, 3.69, 3.75 and n., 3.89, 3.93–95, 3.131, 3.135, 3.137, 3.228

- Grief, 2.206, 2.209 and n., 3.217
 Guardianship, 1.166 and n., 1.167 n.
- Harm, doing no. *See* Oratory
 Harmony. *See* Unity
 Hate, 2.72, 2.199–200, 2.203, 2.206, 2.208, 2.216
 Herald (*praeco*), 2.244 n., 2.260 and n.
 Hiatus ("gaping juxtaposition of words"), 36, 3.171–172 and n.
 Highest good, 1.222 and n., 3.78 and nn.
 Hippocratic writings, 2.295 n.
 Historiography, 3, 12 and n., 28, 2.36, 2.51–64, 3.211
 Greek, 2.51, 2.53, 2.55–58
 Roman, 2.51–55
 History, 1.18, 1.158–159 and n., 1.165, 1.256, 2.265
 Homer, eloquence in, 3.56 n.
 Homeric arrangement, 2.314 n.
Homoioptoton, 304
Homoioтелеuton, 304
 Honorable, honor, 2.67, 2.334 and n., 2.335 and n., 3.62, 3.66, 3.107, 3.116
 Hope, 2.206, 2.209 and n., 2.337
 Horace, *On the Art of Poetry*, 2.194 n.
 Humor. *See* Wit
 Human civilization, founding of (topos), 1.33 and n., 1.35
Hypothesis (G), 27–28, 1.138, 2.41–43, 2.65–66, 2.78, 3.109, 3.111 n.
 as specific version of a thesis, 26 and n., 2.133–142, 2.145
- Ideal orator. *See* Orator
Imagines (masks), 2.225 and n., 2.226
Imago, 305–6
Imitatio, 302
 Imitation (of emotions), 3.214
 Imitation (oratorical), 27, 2.88–98, 3.47
 Imitation (of people), 2.219, 2.242–244, 2.252
Imminutio, 305
Immutatio, 306
 Impossible. *See* Possible
 Improvisation in oratory, 1.152–153
Improvisum, 305
Impulsio (*ad hilaritatem*), 303
In utramque partem. *See* Arguing both sides of an issue
 Indignation, 2.203
Ineptus. *See* "Tactless"
 Inexpediency, 2.67. *See also* Expediency
 Inheritance cases. *See* Wills
- Inlusio*, 302, 3. 202
 Inspiration, 2.194
Interpellatio, 303
Interruptum, 305
 Intrinsic and extrinsic arguments. *See* Technical and nontechnical means of persuasion
 Introduction (G). *See* Prologue
 Invention (G), 31 and n., 2.99–306
Iracundia, 303
 Irony, 2.261–262, 2.269–272, 2.275, 2.289
 Isocrates
 Letter 1, 2.10 n.
 Letter 8, 2. 10 n.
 Panathenaicus, 2.10 n.
 To Philip, 2.10 n.
Isokolon, 304
 Italian Allies, war with (Social War), 8, 1.3 and n., 2.257 n., 3.8 and n.
Iteratio, 302
Iudicatio. *See* "Point of decision"
Ius publicum. *See* Law, public
- Jokes
 about bodily defects, 2.239, 2.266
 based on paronomasia, 2.256, 3.206 and n.
 dependent on content, 2.264–287
 dependent on words, 2.253–263
 obscene jokes, 2.252
 Joy, 2.206, 2.209 and n.
 Judicial oratory (G), *passim*; *see* especially, 27–28, 1.22 and n., 1.141, 1.166–197, 1.234–255, 2.42–43 and n., 2.55–58, 2.63 n., 2.64, 2.65, 2.70–73, 2.99–216, 2.104, 2.105, 2.291–332, 3.23, 3.109, 3.122, 3.211
 Juries, controversies over composition, 14, 1.225 n., 2.199 and n.
 Jurisconsult (G), 6, 1.128 and n., 1.212, 1.236, 1.239, 1.252, 2.142, 2.226 n., 3.133 and n.
 "Justification" (*ratio*; "point determining the case"), 2. 108, 2.132 and n.
 Juxtaposition. *See* Words
- Knowledge of the orator, 3, 11–12, 23, 24, 25, 1.20, 1.46, 1.48–73, 2.5–6 and n., 2.59 and n., 2.348–349, 2.362–363, 3.16, 3.55, 3.56–90, 3.96, 3.104–147, 3.125, 3.143, 3.229–230
 law, 5, 11, 1.48, 1.166–200, 1.234–247
 Antonius' view of, 1.248–255

- philosophy, 11–12, 1.219–233
 presentation in *De oratore*, 19
 psychology, 1.48
Kolon. See Clause
Komma ("phrase," Latin *articulus*), 3.186
 and n.
Krinomenon. See "Point of decision"
- Laesio*, 303
 Latin
 construction of arguments in, 41 n.
 correct use of, 3.37–38, 3.39–49, 3.52
 pronunciation of, 3.41–46
 word order, 40–41 and n.
 Latin Rhetoricians (*rhetoires Latini*), 14,
 3.93–94 and n.
 Laudatory oratory (G), 27–28, 2.43–47,
 2.65, 2.104, 2.333, 2.340–349,
 3.105 and n., 3.109, 3.211
 Laughter, physical nature of, 2.235
 Law
 civil, 15, 1.18, 1.38–39, 1.66, 1.159,
 1.165, 1.166–200, 2.223–224,
 3.133, 3.135–136. See also Civil
 cases
 as art, 1.186–190, 2.83–84, 2.142–143
 legal clauses, 1.212 n.
 pontifical, 3.136 and n.
 practitioners of, 1.186 and n., 1.191
 and n., 1.198, 1.235, 1.253,
 2.226. See also Jurisconsult
 public (*ius publicum*), 1. 201 and n.
 Lawyers, different from orators, 5 n.
 Legal advice, 1.199–200 and n., 1.255,
 2.24, 3.133
 Legal expert. See Jurisconsult
 Legal opinions, 2.100, 2.116, 2.142
Legis actio, 1.167 n., 1.175
 formulas, 1.186 n.
 Letter vs. intent, 1.140, 1.180 and n.,
 1.240, 1.242–244, 2. 110 and n.,
 2.141
 "Liberal arts," 3.21 n. See also "Noble
 arts"
Licentia, 303
 Lights, 1.173 and n., 1.179
 Logos. See Argumentation/arguments
Ludi Romani. See Roman Games
Lustrum (G), 1.183 and n.
- Magistracies (G), 4, 8
 Majesty of the Roman people (G), 5,
 2.107 and n., 2.164, 2.201, 3.8 n.
Mancipium, 1.173 and n.
 Mathematics, 1.10, 1.44, 1.187, 1. 217,
 2.66, 3.58, 3.79, 3.127, 3.132
- Means of persuasion, 30, 2.114–120,
 2.121, 2.128–129, 2.181, 2.310,
 2.314 n., 3.104 and n.
Membrum. See Clause
 Memory (G), 1.18, 1.157, 2.299–300,
 2.350–360, 3.230
 compared to writing, 2.354 and n.,
 2.355, 2.360
 Mercy. See Pity
 Metaphor (G), 2.261–262, 2.358 and n.,
 3.49, 3.149, 3.155–161, 3.197,
 3.201
 effects of, 3.157–161, 3.163, 3.166,
 3.167, 3.169
 guidelines for, 3.162–165
 "necessary," 3.155–156, 3.159,
 3.169 n., 3.170
 pleasantness of, 3.159–161
 and simile, 3.160–161 and nn.
 term, 3.149 n.
 Metonymy (G), 2.358 and n., 3.167
 and n.
 Mime, 2.239 and n., 2.242, 2.244, 2.251,
 2.259, 2.274
 Music and Music theory, 1.10, 1.44,
 1.187, 1.212, 1.217, 2.34, 2.66,
 3.58, 3.79, 3.86–87 and n., 3.98,
 3.102, 3.127, 3.132, 3.190, 3.196,
 3.197, 3.216
 Mysteries. See Eleusinian Mysteries
- Narration (G), 2.80, 2.83, 2.264 n.,
 2.310 n., 2.312, 2.326–330.
 See also Parts of a speech
 Natural philosophers, 1.217, 2.235 n.,
 3.56
 Natural philosophy. See Physics
 Nature (natural ability), 9–10, 27, 1.5,
 1.89, 1.113b–133, 2.11, 2.85–87,
 2.119, 2.147–148, 2.150, 2.216,
 2.232, 2.247, 2.356 and n.,
 3.16, 3.31, 3.35–36, 3.59, 3.82,
 3.125, 3.151, 3.197, 3.212,
 3.229
 New man (G), 8
Nexum, 1.173 n.
 "Noble arts" (etc.), 1.3, 1.5 and n.,
 1.8–11, 1.17, 1.44, 1.72–73,
 1.158, 1.187, 1.212, 2.162, 3.21
 and n., 3.58, 3.79, 3.125,
 3.127–128, 3.132, 3.136
- Obiurgatio*, 303
Obsecratio, 303
Officia oratoris, 29 n.
Optatio, 303

- Orator(s). *See also* Activities of the orator; Knowledge of the orator
 definition of, 1.21, 1.64 (Crassus), 1.
 209b-218, 1.260-262 (Antonius)
 different from lawyers, 5 n.
 meaning "envoy," 1.202 and n.
 ideal, 9-12, 1.17-18, 1.34, 1.59, 1.64.
 1.78-79, 1.94-95, 1.118-119 and
 n., 1.128, 1.202-203, 2.33-36,
 2.298, 3.53-55, 3.63, 3.71, 3.74,
 3.75, 3.80, 3.125, 3.142-143. *See*
also Eloquence
 as an ideal, 3.83-85
 as philosopher, 12, 3.142
 perfect. *See* ideal
 subject matter of, 2.41-73
- Oratory. *See also* Variety among orators
 connected with everyday life, 1.12,
 1.80-81, 1.108, 1.219-233,
 1.248-250, 1.260, 2.30, 2.68,
 2.131, 2.159, 3.54, 3.72, 3.80,
 3.92, 3.147
 difficulty of, 1.6-20, 1.128 and n., 3.84
 and n.
 doing no harm, 2.295 n., 295-306
 (esp. 297, 303), 2.330
 origins of, 1.13
 in politics, 4-5, 3.63
 Roman oratory, development of,
 1.13-14, 2.121
 strong and weak points, orator's
 handling of, 2.291-293, 2.303
- Ordo*, 306
- Ornatus*. *See* Distinction
- Ovatio*, 2.195 and n., 2.347 n.
- Painting, 1.73, 1.161, 2.38, 2.69, 2.358
 and n., 3.26, 3.98, 3.100, 3.195,
 3.217
- Paradoxes. *See* Stoa
- Parison*, 304
- Paronomasia, 2.256, 3.206 and n. *See*
also *Adnominatio*
- Partitio*. *See* Division
- Parts of rhetoric, 29 n.
- Parts of a speech (G), 10, 27-28, 1.86,
 1.90 and n., 1.143, 2.79-83,
 2.307
- "Party" (*reus*), 2.183 and n., 2.321 and n.
- Pater patratus*, 2.137
- Pathos (G), 11, 25-26, 31-32, 34-35, 38,
 1.17, 1.30, 1.53, 1.60, 1.87 and
 n., 1.165, 1.202, 1.219-222,
 1.227-228, 2.35, 2.70, 2.72.,
 2.114-115, 2.121, 2.128-129,
 2.159, 2.176, 2.178-181, 2.183,
 2.185-211, 2.201, 2.211-216,
 2.291-292, 2.310-312, 2.324
 and n., 2.332, 2.337, 3.23, 3.55,
 3.91, 3.104-105, 3.118, 3.177,
 3.197, 3.214. *See also* Psy-
 chology
- Cicero's practice in, 35
- emotion(s) of the speaker, 38, 2.189
 n., 2.189-196, 2.201, 3.96,
 3.215-216 and n., 3.217-219
- handling of, 2.211-216
- Patronus* (G), 1.167 and n., 1.177
- Peitho*, 3.138 n.
- Percursio*, 302
- Periodic sentences (G), 36, 2.34, 3.49,
 3.93, 3.173 and nn., 3.181,
 3.182-186, 3.190
- effect on crowd, 3.195-198
- terms, 1.186 n., 3.190 n.
- Peripatos/Peripatetics
 on emotions, 1.220 and n.
 opposition to rhetoric, 21-22, 1.45-46,
 2.160 and n.
- Permissio*, 305
- Philo of Larissa, 7, 38
- Philodemus, *On Rhetoric*, 1.89 n.
- Philosophers' embassy (156/155 BC),
 21, 2.155 and n., 3.68 n.
- Philosophy, 1. 193-195, 1.212. *See also*
 Quarrel between rhetoricians
 and philosophers
- compared with other arts, 3.79
- compared to oratory, 1.9
- history of, 20-21, 38, 3.61-68. *See also*
 Successions of the Philoso-
 phers
- as a term, 3.60 and n., 3.73, 3.109 n.
- Phrase (Latin *articulus*, Greek *komma*),
 3.186 and n.
- Physics, 11, 19, 1.68, 3.23, 3.122, 3.127,
 3.128, 3.178-179. *See also*
 Natural philosophers
- Pisteis*. *See* Means of persuasion
- Pity (mercy), 1.227-228, 2.125, 2.203,
 2.206, 2.211, 2.216, 2.278, 2.321,
 3.118, 3.107, 3.219
- Plato
Apology, 1.231-233 and nn.
 criticism of rhetoric, 20, 23-24
 dialogues, 17 n.
Epinomis (pseudo-Platonic), 3.21 nn.
Gorgias, 4, 20, 24, 1.47, 1.57 n., 1.86 n.,
 2.155 n., 3.55 n., 3.122, 3.129
 and nn.
- Ion*, 2.194 n.
 on moral issue in rhetoric, 11-12

- Phaedo*, 3.6 n.
Phaedrus, 4, 20, 24, 25, 1.28 and n., 1.86 n., 2.194 n., 3.228–229 and n.
Republic, 1.224 n., 1.230
 role in later quarrel with rhetoricians, 20, 21–22, 24, 25, 1.47 and n., 1.86 n.
Symposium, 3.17 n.
 Pleasure (in philosophy), 1.222, 1.226 and n., 3.62, 3.63, 3.78
 Pledge, 3.4 and n.
 Poets, poetry, 1.11, 1.69–70, 1.154, 1.158, 2.34, 2.61, 2.193–194, 2.257, 3.27, 3.30 and n., 3.48, 3.53 n., 3.58, 3.100, 3.102, 3.127, 3.153, 3.173 and nn., 3.175, 3.177, 3.182 and n., 3.184–185 and nn., 3.190, 3.192, 3.197, 3.198, 3.217–219
 lyric poetry, 2.352 n.
 "Point of decision" (*iudicatio*, *krinomenon*; "issue to be decided"), 32, 2.132 and n., 3.31 n.
 Political theory, 11, 19, 1.85–86, 1.193, 2.67 and n., 3.127
Polyptoton, 305
Populares, 5, 8–9
Posidonius, 8
 Possible/impossible, 2.336
 Practice, 9, 27, 1.5, 1.90, 1.147–159, 1.257–258, 2.88–92, 2.96–97, 2.118–119, 2.232, 2.358, 3.42, 3.190, 3.227
Praeco. See Herald
Praemunitio, 302
Praetor (G)
 advisors of, 1.166 and n., 1.168
 interdictum of, 1.41 and n.
 role of in civil procedures, 1.166 nn., 1.168 n., 1.173, 3.110 and n.
Pragmatici ("legal aids"), 1.198 and n., 1.253 and n.
 Praise. See Laudatory oratory
 Priests (G), 1.186 n., 2.52, 3.73 and n.
 books of, 1.193 and n.
 Private cases, 2.100 n. See also Single judge
 Procedural objections in trials, 32 n., 3.70
Progressio, 304
 Prologue (introduction) (G), 2.80, 2.82, 2.310–311 and n., 2.315, 2.315–325, 2.329. See also Parts of a speech
 mention of pleader, 2.321 n.
Promissio, 303
Propositio, 302
 Proposition (G)
 Prose rhythm, 36, 1.151–152, 2.34 and n., 3.53 and n., 3.173 nn., 3.173–177, 3.181, 3.182–186, 3.190, 3.191–194, 3.196, 3.201
 effect on crowd, 3.195–198
Prosopopoiia, 303, 1.245
Provocatio. See Right of appeal
Prytaneum, 1.232 and n.
 Psychology, 11, 19, 25, 26, 1.42, 1.53–54, 1.60, 1.219 n., 2.68, 2.204–211, 3.23, 3.72, 3.127. See also Pathos
 Public meeting (G), 4–5, 2.334, 2.337 n., 2.337–340, 3.2–3
Purgatio, 303
 Pursued, things to be (*expetenda*), 1.221 and n., 2.67, 2.334 and n., 3.112 and n., 3.116
 Quaestor (G), relation with commander, 2.197–198, 2.200, 2.202–203
 Qualities of style (G). See Style
 Quarrel between rhetoricians and philosophers, 3, 11, 1.33 n., 1.41–43, 1.45–47 and nn., 1.57, 1.82–93, 3.56 nn., 3.110, 3.143
 history of, 20–23
 issues in, 23–26
 Quellenforschung. See Source criticism
Quinqueremes, 1.174 and n.
Quintilian, 3.171 n.
Ratio. See "Justification"
 Reading, 1.8, 1.95, 1.102, 1.154–158, 1.218, 1.256–257, 2.25, 2.55, 2.59–61, 2.63, 2.85, 2.131, 2.152, 2.160 and n., 2.253, 2.271, 2.341, 3.15, 3.39 and n., 3.42, 3.48, 3.54
 before an audience, 3.213
 in court, 2.223–224
 by a secretary, 1.136 and n., 3.225
Recuperatores, 1.173 n.
Repetitio, 304
Repetundae (extortion), 5, 2.105 and n.
Reditus ad propositum, 302
Reditus ad rem, 302
Relatio, 306
Reprehensio, 305
Responsio sibi ipsi, 306
Reticentia, 303
Reus ("party"), 2.183 and n.
Revocatio verbi, 304

- Rhetores Latini* (Latin rhetoricians), 14, 3.93–94 and n.
- Rhetoric. *See also* Parts of rhetoric;
 Quarrel between rhetoricians and philosophers
 as an art. *See* Art
 history of, 20
 moral issue in, 10, 11–12, 23, 24, 25, 1.38, 2.85, 3.55 and n.
 schools of, 3.35–36
 traditional rules/systems of, 10–11, 26–38, 1.19, 1.137–146, 2.78–84, 2.176–177 and n., 2.198, 2.310–311 and n., 2.314 n., 2.315 n., 2.326 and n., 2.326–330, 3.24 and n., 3.75, 3.02–93, 3.103, 3.121, 3.125, 3.188
 traditional training in, 1.244, 2.100, 3.94
- Rhetoric for Herennius*, 31, 32, 35 (bis), 36 (bis), 37–38, 2.45 n., 2.80 n., 2.176 n., 2.177 n., 2.307 n., 2.314 n., 2.315 n., 3.169 n.
- Rhetoricians (G), 1.131 n.
 term, 3.54
- Riddle (enigma), 3.167 and n.
- Right of appeal (*provocatio*), 2.199 and n.
- Rogatio*, 302
- Roman Games, 1.24 and n., 1.57 and n., 2.10 and n., 3.2 and n., 3.73 and n.
- Roman kings (and their expulsion), 1.37, 2.124, 2.199, 2.225
- Roman politics, 4–6, 50
 in the 90s and 80s BC, 15, 17, 1.24–26, 3.2–12 and nn., 3.226
 violence in, 5, 2.197, 2.199, 2.203
- Rome, as city, vs. country (pronunciation), 3.42–46
- Rostra* (G), 2.197 and n.
- Sannio*. *See* Clown
- Sayings (*dicta*), 2.222 and n.
- Scepticism, 21, 1.43 and n., 1.222 and n., 3.67 and n.
- Sculpture, 1.161, 2.70–71, 2.73, 3.26, 3.195
- Scurra*. *See* Buffoon
- Seiunctio*, 302
- Senate (G), 4, 2.333–334
 resolutions (*auctoritates*) vs. decisions (*consulta*), 3.5 and n.
- Senses, 3.25, 3.98–99, 3.163
 hearing, 2.357, 3.25, 3.98, 3.183, 3.185, 3.195–198
 sight, 2.357–358, 3.25, 3.98, 3.160–161
 smell, 3.98
 taste, 3.99
 touch, 3.99
- Sententiae*, 2.286
- Servilian Law, 14, 1.225 n., 2.199 n., 2.223 and n.
- Servitus*. *See* Easement
- Sharp-wittedness (*dicacitas*), 2.218–219, 2.254
- Ships, 3.180. *See also* Quinqueremes
- Significatio*, 302, 2.268 and n.
- Simile. *See* Metaphor
- Similitudo*, 303
- Single judge (in civil cases), 1.173 n., 1.178, 2.100 n., 2.263 n.
- Sirens, 2.154
- Social War. *See* Italian Allies
- Socratic paradox, 23–24
- Socratic philosophers, 3.61–68, 3.67 n.
- Sophists (G), 20, 23, 28
- Source criticism, 19 n., 22 n., 38–39 and nn.
- Speaking on both sides of an issue (and against every issue).
See Arguing both sides of an issue
- Species, 1.189 and n., 2.166, 2.168, 3.110 and n.
- Speech, as human characteristic, 1.32–33, 1.202
- Status theory (G), 32–33, 1.139–140, 2.104 n., 2.104–113, 2.132, 2.137, 3.70, 3.81 n., 3.113 and n.
 Cicero's treatment of, 34
- Stoa/Stoics, 2, 157–160, 2.335 n., 3.87 n., 3.178 n.
apatheia, 3.65 and n.
 on art, 1.92 and n.
 on emotion, 1.220 and n.
 on the highest good, 3.78 and n.
 opposition to rhetoric, 21–22, 1.45–46
 speaking style of, 1.50, 1.83 and n., 2.159, 3.66
 Stoic paradoxes, 1, 2.26 n., 3.65 and n.
sympatheia (cosmic sympathy), 3.20 and n., 3.178 n., 3.179 b
 views of rhetoric/eloquence, 1.83, 3.54–55 and n., 3.65
 on virtue, 1.83 and n., 3.55 n.
 Wise Man, 1.83 and n., 1.221 and n., 1, 2.25–226 and n., 2.285 and n.
- Stories, 2.219, 2.240–241, 2.243–244, 2.264 and n.
- Strong and weak points, orator's handling of. *See* Oratory
- Style (G), 3.19–212
 and knowledge of the orator, 11

- qualities of, 1.144, 3.37–38 and n., 3.53 n., 3.91, 3.144
 three-style doctrine, 3.177 and n., 3.199 and n., 3.212
 types of (G), 35 n.
 and arguments, ethos, pathos, 35 n.
 Successions of the philosophers, 38, 3.62 and n., diagram
 Ser. Sulpicius Rufus, 1.186 n.
Subiectio, 302
Superlatio, 302
 Swan song, 3.6 and n.
 Synecdoche (G), 2.358 and n., 3.168 and n.
 "Syntax," 3.40 and n.
 Tacitus, *Dialogue on Orators*, 7 n.
 "Tactless" (*ineptus*), 2.13 and n., 2.16 n., 2.16–20, 3.84 n.
 Talent. *See* Nature
Techné. *See* Art
 Technical and nontechnical (Artistic and nonartistic, Intrinsic and extrinsic) means of persuasion, 2.116–117 and n., 2.163
 treatment of the nontechnical, 2.118–119, 2.173
 Testimony (witnesses), 2.48, 2.100, 2.116, 2.118–119, 2.135, 2.203, 2.229, 2.285, 2.301–302
 Theophrastus, *Rhetoric*, 1.55, 3.122 n.
Thesis (G), 19, 27–28, 38, 1.56, 1.138, 2.41–42, 2.65 n., 2.65–73, 2.78, 2.104, 3.107–110, 3.111 n., 3.111–114, 3.120–125
 hypothesis a specific version of, 26 and n., 2.133–142, 2.145
 term, 3.109 n.
 Three-style doctrine. *See* Style
Tirocinium fori, 7 n.
 Toga, 1.111 and n., 3.43 and n., 3.167 and n.
 Topics. *See* Commonplaces
 Torture, 2.116, 2.118–119, 2.173
Tractatio (treatment) of arguments, 2.176–177 and n.
Traductio, 304
Traiectio in alium, 302
 Training. *See* Practice
Transgressio verborum, 304
 Treatment (*tractatio*) of arguments, 2.176–177 and n.
 Trials, role in Roman politics, 5
 Tribes, 1.38 and n.
 Tribune/Tribunate of the plebs (G), 4, 2.124, 2.199
 Triumph (G), 2.195 n., 2.347 n.
 Triumvirate (first), 9
 Tropes (G), 2.358 and n., 3.167–169. *See also* Metaphor
 Twelve Tables (G), 1.167 and n., 1.193 and n., 1.195 and n., 1.245 and n., 2.183 n., 3.158 n.
 "Twig, breaking off," 3.110 and n.
 Type. *See* Genus
 Types of style (G). *See* Style
 Unity
 of content and words, 26, 3.19–24
 of eloquence, 26, 2.337, 3.22–24
 of learning, 3.21, 3.136
 of speech and knowledge (eloquence and wisdom), 26, 38, 3.56–62, 3.69–73, 3.131 n., 3.132–143
 of the universe, 3.20
 of the virtues, 3.136
 Universe. *See* Natural philosophers; Physics
 Variety, 2.36, 2.120
 Variety among orators, 3.28–37
 Villas, Roman, 1.24, 1.265, 2.13, 2.60, 2.224, 2.263 and n., 2.276 and n.
 architectural features, etc., 1.27–29, 1.98 and n., 2.12, 2.20–21, 3.17–18, 3.179, 3.180
 Virtue (in philosophy), 1.222, 1.226, 2.67, 3.54–55 and n., 3.118
 Vis, 5
 Voice. *See* Delivery
 Waterclock (*clepsydra*), 3. 138 and n.
 Wills, 1.173, 1.175, 1.176, 1.180, 1.183, 1.228 and n., 1.241–245, 2.24, 2.104, 2.141, 2.283
 emergency wills, 1.228 and n.
 Wisdom, 3.56, 3.59–60, 3.65, 3.69
 Wit (humor), 16, 1.17, 1.159, 1.213, 1.243, 2.216–290, 2.340, 3.30, 3.202 n. *See also* Jokes; Laughter
 adaptation to circumstances and audience, 2.221, 2.229, 2.247
 ambiguity, 2.250, 2.253–256
 art of (existence denied), 2.216–220, 2.227, 2.229, 2.231–232, 2.247, 2.288
 categories (classification) of, 2.235, 2.248 n.
 classification into banter and sharp-wittedness, 2.218 n., 2.218–219, 2.220–223, 2.239 and n.

Wit (humor) (*continued*)

- classification into content and words,
2.248 and n., 2.248–252, 2.252
(definition)
- functions of, 2.236
- handling of, 2.229, 2.235, 2.237–247
- source of, 2.235–236
- to be used by the orator, 2.235–236
- usefulness of, 2.216, 2.219, 2.225,
2.227, 2.230

Witnesses. *See* Testimony

Word order (Latin and English), 40–41
and n.

Words

- archaisms, 3.153, 3.170, 3.201
 - arrangement of, 3.93
 - "cadence and form" of, 36
 - choice of, 3.40 and n., 3.42, 3.93
 - coined, 3.149, 3.154, 3.167, 3.170, 3.201
 - in combination, 3.149, 3.171–198, 3.201
 - individual, 3.149–170
 - juxtaposition of, 36, 3.171–172 and n.
 - "proper," 3.31 and n., 3.49, 3.149–153,
3.159, 3.167
- Writing, 1.150–153, 1.257, 2.96–97, 2.131,
3.190 and n.

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ABOUT THE TRANSLATORS

James M. May is Associate Dean for Humanities and Professor of Classics at St. Olaf College, where he has taught since 1977. He is the author of *Trials of Character: The Eloquence of Ciceronian Ethos* (1988), coauthor, with Anne H. Groton, of *Thirty-Eight Latin Stories* (1986), and author of many articles on ancient rhetoric. He has received the American Philological Association's Award for Excellence in the Teaching of the Classics (in 1986) and the Sears-Roebuck Foundation Teaching Excellence and Campus Leadership Award (in 1991). He has served as Vice-President for Education of the American Philological Association and President of the Classical Association of the Middle West and South.

Jakob Wisse is Lecturer in Classics at the University of Newcastle upon Tyne. In the past he has held research positions, funded by the Netherlands Organization for Scientific Research (NWO), at the Universities of Amsterdam and Leiden. He is the author of *Ethos and Pathos from Aristotle to Cicero* (1989) and a coauthor of the fourth volume of *M. T. Cicero. De Oratore libri III. Kommentar*, 4 (1996), the standard commentary on *De oratore* (a project initiated by Professors Anton D. Leeman and Harm Pinkster), and will bear chief responsibility for the fifth and final volume (to be published, especially on ancient rhetoric).

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